

## **27-500**

### **Subdivision Design and Improvement Standards**

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<b>27-501      Purpose and Findings</b>
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<b>27-501-1      The City finds and determines that:</b>
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- A. This Chapter regulates land subdivision for residential, commercial, mixed, and industrial uses in a manner that ensures sound community growth while safeguarding the interests of the property owners, residents, developers surrounding neighborhoods, and the City.
- B. This Chapter prevents excessive governmental costs and provides consistency for the owner involved in subdividing or developing land.
- C. The development of property impacts public facilities adjacent to or in reasonable proximity to the proposed development, and compliance with these regulations mitigates the impact on the public services based upon the development to be regulated.
- D. These regulations provide flexible rules with positive values that are a guide to development and serve to protect all parties affected by land development.

<b>27-501-2      The Purpose of this Chapter is:</b>
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- A. The Subdivision Regulations apply to all divisions and development (as defined in A.C.A. § § 14-56-417(a)(2)) of real property lying within the corporate limits of the City of Fort Smith, Arkansas, as now or hereafter established, and the planning area;
- B. To provide for adequate light, air and privacy, to ensure safety from fire, flood, and other physical dangers, as well as to prevent overcrowding of the land;
- C. To implement the Comprehensive Plan, Master Street Plan, Bikeway and Trails Plan;
- D. To insure proper legal descriptions, monumenting of land, and adequate and accurate platting and recording of land subdivisions;
- E. To insure that public improvements are available with sufficient capacity to serve the proposed subdivision, property development, and the general community.
- F. The Subdivision Regulations are adopted under the authority granted by A.C.A. tit. 14, ch. 56, subch. 4 [§ 14-56-401 et seq.] and amendments thereto, and all other delegation of authority to the City by the Arkansas General Assembly.



## **27-502 General Provisions**

### **27-502-1 Applicability**

- A. The Subdivision Regulations apply to all divisions and development (as defined in A.C.A. § § 14-56-417(a)(2)) of real property lying within the corporate limits of the City of Fort Smith, Arkansas, as now or hereafter established, and the planning area.
- B. All improvements shall comply with the Standard Specifications for Public Works Construction and standard construction drawings published by the City Engineering Department. To the extent that there is any inconsistency between the Standard Specifications and this Chapter, the City Engineering Department shall provide an interpretation and instructions regarding resolution.

### **27-502-2 Required Improvements**

- A. **Generally.** Subdivisions shall include all improvements required by this Chapter. All improvements shall include construction and engineering services required for planning, design, investigations, inspection, testing and related activities necessary for development of the improvements.
- B. **Inside City Limits.** All improvements in developments inside the City limits shall comply with the standards established in this Chapter.
- C. **Outside City Limits.** All improvements in developments outside the city limits and within the City's planning area boundary shall comply with the standards established in this chapter. For single family residential subdivisions where the minimum lot width is 125 feet and the minimum lot size is 14,000 square feet and the subdivision density is no more than three (3) dwelling units per acre the following standards shall apply:
  - 1. In lieu of curb and gutter, streets may have two (2) foot wide asphalt paved shoulders and roadside ditches subject to the following:
    - a) Pavement width shall be twenty-two feet plus shoulders.
    - b) All driveway culverts shall be reinforced concrete pipe (ASTM C-76) no less than 15" in diameter.
    - c) Roadway ditch slopes shall be no steeper than four (4) parts horizontal to one (1) part vertical for both the front slope and back slope.
    - d) The roadway ditch invert shall be no less than one and one half (1.5) feet below the shoulder of the road and no more than two and one half (2.5) feet below the shoulder of the road.



- e) Grass-lined road ditches shall be designed to carry no more than eight (8) cubic feet per second during a ten-year event, and velocities shall not exceed five (5) feet per second. Flows up to fifteen cfs (10-year) or velocities greater than five (5) fps may be carried in concrete lined, flat bottom roadside ditches; the minimum bottom width is twelve (12) inches. The lowest six inches (measured vertically) of the concrete lined ditch shall have side slope no steeper than two (2) parts horizontal to one (1) part vertical for both front and back slopes. Ditch slopes above this lower six (6) inch bottom depth shall be no steeper than four (4) parts horizontal to one (1) part vertical for both the front slope and back slope. Flows with other rates or velocities shall be directed to other drainage ways, or enclosed in pipe.
- f) Rights-of-way for streets with open ditches shall be sixty (60) feet.
- g) Drainage within one hundred (100) feet of the right-of-way and perpendicular to the streets may be open channel
- 2) Diversion berms to direct and contain drainage are permitted.
- 3) No sidewalks are required.

The structural standards for pavement thickness design for streets are not changed, and shall be in accordance with the City Street Standards. Typical cross section for this street is shown in Appendix D.

### **27-502-3 Permanent markers and monuments**

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The developer shall install monuments and permanent markers in accordance with the standards established by the City Engineering Department. The location of all permanent markers shall be noted on the final plat.

### **27-502-4 Violation and penalty**

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- A. No building permit shall be issued for any building or structure located on any tract of property that does not conform to the requirements of this Chapter.
- B. Any person, firm or corporation creating or conveying title to a tract of property that does not comply with the provisions of this Chapter is guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-9 of the Fort Smith Municipal Code.
- C. Application of the criminal provisions in subsection (b) shall not limit the rights of the City to petition a court of competent jurisdiction to enjoin violations of these regulations nor limit the pursuit of any other legal remedy.



## **27-503 Site Layout and Design**

### **27-503-1 Blocks**

#### **A. Generally**

The length, width and shape of blocks shall be designed consistent with the following criteria:

1. Provisions shall be made for adequate building sites suitable to the special needs of the type of uses contemplated.
2. Lot sizes and setbacks shall conform to the zoning district regulations (Chapter 27-400).
3. Blocks shall provide sufficient width for two (2) tiers of lots of appropriate depth.

#### **B. Block Length - Generally**

Blocks shall not exceed the length established in Table 27-503-1A for each Land Use Category established in the Comprehensive Plan. Block length is measured in feet from the edge of each intersection.

**Table 27-503-1A Maximum Block Lengths, Generally**

	Generally
Rural	Not applicable
Residential Detached	1,000 feet
Residential Attached	1,000 feet
Institutional	Not applicable
Commercial Neighborhood	1,000 feet
General Commercial	Not applicable
Regional Center	Not applicable
Office Research and Light Industrial	Not applicable
Moderate Industrial	Not applicable
Industry	Not applicable
Mixed-Use Residential	1,000 feet
Mixed Use Employment	Not applicable

#### **C. Block Length - Traditional Neighborhood Development**

Maximum Block Lengths for a Traditional Neighborhood Development (TND) option is 300 feet. Block length is measured from the edge of each intersection, in feet.

### **27-503-2 Lots**



**A. Generally**

All lots shall conform to the lot size, lot frontage, and setback requirements of the zoning district in which the development is located. Each lot shall have approved access onto a public street.

**B. Side lot lines**

Side lot lines should be approximately at right angles or radial to street lines.

**C. Lot size**

The minimum lot size and setback requirements shall be determined by the zoning district in which the development is located.

**D. Lot size for septic tanks**

In developments and subdivisions where septic tanks or individual disposal devices are approved by the Arkansas Department of Health, the minimum lot area shall be determined by the space required for the installation of the sanitary disposal field.

**E. Collector or Arterial Streets**

Any lot that includes a single-family dwelling, row house, or duplex shall not have access along any street designated as follows in the Master Street Plan:

- Boulevard or Future Boulevard
- Major Arterial or Future Major Arterial
- Minor Arterial or Future Minor Arterial
- Major Collector or Future Major Collector
- Residential Collector or Future Residential Collector
- Freeway or Future Freeway

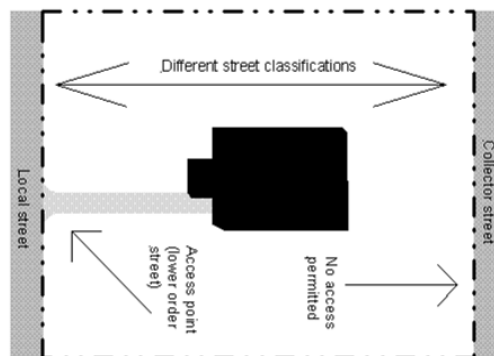
**F. Corner Lots**

1. Unless otherwise specified in the zoning district, the front yard setback for corner lots applies to all street sides of the lot.
2. Residential dwelling units shall have access to the lowest classification street. If the streets have the same classification, the dwelling unit may have access to either of the streets.



### G. Double Frontage Lots

Double frontage lots are permitted where they separate streets of different classifications. Access is permitted on only one street for a double frontage lot. Residential lots shall take access from the lower classification street.



### 27-503-3 Sight Visibility Triangle

The sight visibility triangle is the area delineated by the midpoint of the radius intersection of the edge of the pavement, back of street curb, or back of shoulder, and extending 25 feet in length parallel to the edge of each driveway, street curb or shoulder, with the third side connecting the two sides. Within each sight visibility triangle, no landscape materials, trees, shrubs, buildings, structures, or other obstructions shall be erected, planted, or maintained that exceed twenty four (24) inches in height. For signs, up to two (2) supportive that are not more than sixteen (16) inches in or diameter are permitted within the sight visibility triangle. For landscaping, "height" to the height at plant maturity. For purposes section, height shall be measured from the elevation at the edge of the curb or shoulder.

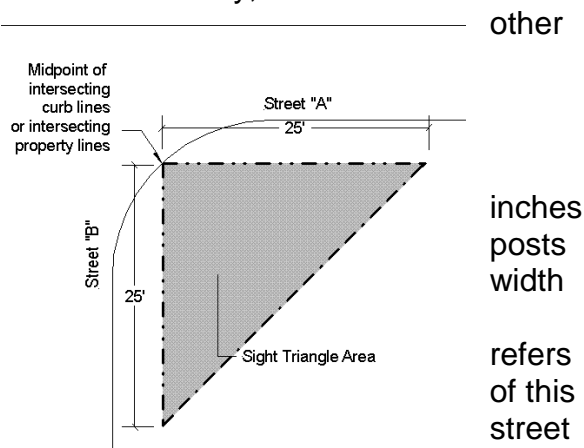


Figure 1 Sight Visibility Triangle

### 27-503-4 Streets, Alleys and Easements

- A. **Compliance.** The location, designation, width, grade, and design of all streets shall conform to this Section or the county rural road standards, whichever is the appropriate jurisdiction for the development.
- B. **Street Classification.** All streets shall conform to the City's Master Street Plan and Bikeway Plan (including the bikeway plan map).
- C. **Street Layout**
  - 1. Generally. The arrangement of streets shall be such as to cause no undue hardship in the subdividing of adjacent properties.



2. Street jogs. Street jogs at intersections with centerline offsets (where at least one of the streets is an arterial street) shall have an offset distance of at least two hundred fifty (250) feet between centerlines. Collector and local street jogs shall have centerline offsets of not less than one hundred twenty-five (125) feet.
3. Coordination with Master Street Plan. In order to preserve the integrity of the Master Street Plan adopted pursuant to § 14-56-414, A.C.A., the following shall apply:
  - a. No lot shall be approved for any subdivision in the designated right of way shown on such map or plan. This does not require additional right of way for streets that have already been constructed to the full width designated in the Master Street Plan or a previous Master Street Plan.
  - b. If the land within such mapped street or highway is not yielding a fair return on its value to the owner, the Planning Commission may grant a conditional use permit for a building in such street or highway which will as little as practicable increase the cost of opening such street or highway, or tend to cause a change of such official map or plan. The Planning Commission may impose reasonable requirements as a condition of granting such permit.
  - c. Where a proposed street widening or extension has been shown on the Master Street Plan for ten years or more and the City has not acquired title thereto, the City may, after a hearing as hereinabove provided, grant a permit for a building and/or structure in such street or highway. The City may impose such reasonable requirements as are necessary to protect the public interest as a condition of granting such permit.

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**27-503-5 Connectivity**

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**A. Projecting Streets**

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall provide through dedication for the projection of streets into unsubdivided areas. Parcels shall be arranged to allow the opening of future streets and logical further subdivision. Existing streets in adjoining areas shall be extended. The centerline of streets in the proposed subdivision shall align with the existing streets. Continuation of an existing street is not required where it would cause a street to project into a floodplain, bluff, or other natural feature that is subject to Section 27- 511.



## **B. Secondary Access**

At least one access point into a single-family residential subdivision shall be provided for every 1,000 feet of street. Where a single family residential subdivision exceeds thirty (30) total units, a secondary ingress-egress access road is required.

## **C. Reserve Strips**

Reserve strips of land for the sole purpose of controlling access to streets or circumventing right-of-way dedication are prohibited.

## **D. Half Streets**

Half streets are prohibited, except where the planning commission determines that it will be practical to obtain the dedication of the other half of the street right-of-way when the adjoining property is developed.

## **27-503-6 Private and/or Gated Streets**

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The Planning Commission may approve private and/or gated streets subject to the following standards:

### **A. Private Streets**

1. A private street is permitted only in a residential development.
2. Private streets and utilities shall comply with all the standards for public streets and utilities as provided in this Section. This includes the design standards in this section and guarantees and warranties required by §§ 27-513 and 27-514.
3. The private street shall be maintained by a homeowners association. The applicant shall provide the declarations and restrictions, which shall provide an annual assessment of property owners that is sufficient to maintain the private street.
4. Publicly or privately owned utility easements for subdivisions with private streets shall comply with Section 27-504.
5. The applicant shall comply with Section 27-515 (Private Infrastructure Maintenance). The Applicant shall include with the Homeowners or Property Owners Association (HOA or POA) documents a forecast and schedule of Street maintenance costs prepared by a licensed professional engineer. The maintenance costs must be consistent with the schedule of street maintenance costs. A Maintenance Account with seed money shall be established by the developer to enable the HOA to meet the maintenance schedule until the HOA is self sufficient. Any HOA requesting that the City acquire their private Streets shall produce documentation that



the maintenance schedule set forth in the HOA's original Pavement Management Plan as part of the HOA documents has been followed.

6. The HOA/POA documents shall require the HOA/POAs to identify and enforce a no parking restriction in fire lanes throughout the community.

**B. Gated Streets.**

Streets with a private, gated entry shall conform to the following standards:

1. Master Key Security System. A master key security system shall be provided on all gates. The security system shall include the following:
  - a. a gate override in case of power failure; and
  - b. a master key shall be provided for emergency access and public service providers.

2. Queuing

At gated entrances where traffic can queue into public streets, the gates and entrances design must provide for sufficient storage capacity such that no queuing vehicles will queue into the public street.

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**27-503-7 Traffic Impact Analysis**

- A. Purpose:** A Traffic Impact Analysis and a Traffic Statement (TIA/TS) are tools to evaluate the interaction between the study of transportation infrastructure and proposed land use development projects. TIA/TSs provide a large amount of information that can be used for a number of purposes, including documentation of the growth of an area, assisting with planning activities, and assessing immediate and long term needs relative to infrastructure improvements. Historically, these documents have been applied in a variety of ways in order to maximize the efficiency and safety associated with the ingress and egress of traffic to properties. This subsection establishes a process through which a TIA or TS is developed and submitted to the City of Fort Smith, and the technical requirements of the deliverables to provide. The goals of a TIA or TS are:

1. To identify potentially adverse impacts to the existing transportation system and to proposed developments; and
2. To assist public and private sector entities in identifying and resolving issues related to the location of driveways, traffic signals, and other transportation facilities that are requested but do not conform to this section; and



3. To assist public and private sector entities with long term planning such that the extension and growth of the transportation infrastructure may occur in a manner that is comprehensive in nature and supportive of the public good.

The City Engineer may waive or modify the requirements of either a TIA or TS based on conditions at the time of application submittal and existing traffic at the proposed site.

**B. Traffic Impact Analysis Applicability.** A Traffic Impact Analysis shall be required when the projected peak hour traffic is 100 trips or greater ( 200 trips or greater for Single Family Residential development) as determined by the latest Trip Generation Manual published by the Institute of Transportation Engineers. A TIA shall also be required for any of the following:

1. Any requests for a variance from the access management (See Chapter 27-600) or Streets, Alleys and Easements standards in this Chapter; or
2. All developments entry roads located completely or partially within 500 feet of the intersection of two or more boulevards, freeway frontage road, arterials, or major collectors with an overall developable land area in excess of 5 acres; or
3. new school construction; or
4. any preliminary plat meeting the above criteria if the property has already been rezoned for the proposed use and no traffic impact study has been conducted in the past two years; or
5. any request by the applicant to quantify offsite impacts pursuant to Section 27-511.

A TIA shall be required for a Single Family Residential development when the projected peak hour trips are expected to be 200 trips or greater. When considering a residential development, the entire development should be considered and projected improvements can be phased in by final plat submission.

Following is a table of types of land uses and the projected trips for informational purposes.

<u>Type of Land Use</u>	<u>Size</u>	<u>Projected P.M. Peak Hour Trips</u>
Single Family	200 Units	200 Trips
Multi-Family	150 Units	100 Trips
Shopping Center	7,000 Sq. Ft.	108 Trips



Office	30,000 Sq. Ft.	112 Trips
Conv. Store/Gas	8 Pumps	111 Trips
Fast Food Restaurant	2,000 Sq. Ft	106 A.M. Trips
High Turnover Restaurant	10,000 Sq. Ft.	116 Trips
Quality Restaurant	15,000 Sq. Ft.	112 Trips

**C. Traffic Information Statement (TS) Applicability.** If the projected traffic is fewer than 100 peak hour trips ( 200 trips for a Single Family Residential development), and greater than 30 trips (60 trips for a Single Family Residential development), the application shall be accompanied by a Traffic Statement, the requirements of which are as follows:

1. Show type of use and intensity
2. Show the site plan as proposed including a location map, and the square footage and type of use for all buildings
3. Show all proposed ingress and egress points (driveways)
4. A projected trip table which includes categorization of each use by the ITE Trip Generation Manual and calculations used for establishing ADT trip projections, a.m. peak hour trip projections, and p.m. peak hour trip projections
5. If pass-by trip or multi-use trip reductions are used, show amount and the justification
6. Show net trip projections for ADT, a.m. peak hour, and p.m. peak hour
7. Show driveway trip projections for the a.m. and p.m. peak hours for all entering and exiting movements
8. Show current (latest) ADT traffic volumes on the adjacent streets at all proposed access points

**D. Preliminary Information Meeting.** The purpose of this meeting is to provide an opportunity for coordination between the applicant and City Engineer, to streamline the permitting process, avoid misunderstandings, and to ensure that the documents are sufficiently comprehensive.

1. The applicant shall schedule a preliminary information meeting with the City Engineer. The study area, scope of the TIA/TS, the trip generation rates to be utilized for the study, and all requirements shall be verified at the preliminary information meeting. The City Engineer may approve any modification from the requirements of this Section in writing prior to preparation of the study, if the City Engineer finds that the modifications are consistent with the purpose and intent of this Section.



2. During the preliminary information meeting, the applicant and City Engineer will determine the scope of the TIA/TS, and establish the content, exhibits, magnitude of details and format requirements for the TIA/TS.

**E. Study Area**

1. This area shall be determined by the consultant conducting the study (hereafter referred to as the traffic consultant) and approved by the City Engineer prior to the start of the study. The study boundary will be established based on the size of the proposed development, the projected peak hour trips, and the application of sound engineering judgment.
2. If the City Engineer and the applicant disagree on the Study Area Boundary, the boundary shall extend one (1) mile from the boundary of the proposed development or the next major intersection(s) impacted by the site traffic, whichever is less.

**F. Phased Development Projects.** Phased residential projects shall comply with this Section, and shall require no special treatment.

**G. Referral.** The City Engineer may refer the draft TIA/TS to the following agencies for their review and recommendations:

1. Fort Smith Planning and Zoning Department
2. Western Arkansas Planning and Development District (WAPDD)
3. Arkansas State Highway and Transportation Department

**H. Technical Criteria and Requirements**

1. Generally. General items that shall be addressed in all TIAs include:
  - a. Identification of the scope of the TIA
  - b. Identification of existing geometric conditions and traffic control devices that are impacted by development
  - c. Collection of existing traffic data
  - d. Estimates and distribution of site-generated traffic. Trip generation rates must be based upon the Trip Generation Manual. The City Engineer may approve an alternative source if he finds that the source is based on upon reliable data consistent with generally accepted engineering principles.



- e. Forecast of future non-site related traffic.
  - f. Capacity analyses and projected operational levels of service for boundary roadways and study intersections for each of the following conditions: existing traffic, existing plus development traffic, future traffic, future traffic plus development traffic.
  - g. Analysis and justification of site improvements that will require deviation from the street design (generally, section 27-503) or access management (see 27-605) standards of these regulations. Where site improvements deviate from these guidelines, supporting documentation shall be provided that detail why these variances are justified. Furthermore, the applicant must demonstrate that not only will these variances and/or deviations not have an adverse impact on the adjacent transportation facilities, but that they will actually augment the operation of the existing infrastructure.
  - h. Identification of any roadways and/or intersections within the study area that are expected to operate at Level of Service (LOS) D, E, or F under existing and/or projected traffic conditions
  - i. Identification of improvements necessary to improve the level-of-service to LOS C, including the geometrics and traffic control estimated costs, and determine an appropriate method for allocating responsibility for those costs.
  - j. Determination of appropriate transit stops based on the Fort Smith transit plan.
2. TIA Format. All TIAs shall be consistent with the format established in Appendix C. The TIA shall be submitted to the City of Fort Smith as a stand-alone document, Accompanying appendices shall be provided at the time the TIA is submitted. The number of appendix documents to be submitted shall be identified at the time of the preliminary identification meeting. The items identified in Appendix C establish the general outline of the report, the required maps and diagrams, all required tables, and minimum submittal requirements for any Appendices.

## **I. Review and Submittal Requirements**

- 1. Upon completion of the TIA/TS, three (3) copies must be submitted to the City Engineer. Up to ten (10) additional copies may be required if deemed necessary by the City for review and referral. An initial review of the study will be made to determine if the TIA/TS was developed in accordance with the technical requirements and within the scope of the study as outlined in the preliminary information meeting. If deviations from the technical



requirements and/or the scope of study, as established during the preliminary information meeting are identified, the initial review will be terminated until the deviations are addressed. A notice of technical deficiencies will be developed by the City and submitted to appropriate City personnel and to the traffic consultant at such time as deficiencies are identified. All copies will be returned to the traffic consultant at that time as well.

2. Upon submittal of a TIA/TS meeting the technical and scoping requirements established in the preliminary information meeting, final review of the TIA/TS will be conducted. If during the final review it is determined that additional information is needed, a written request for addendum will be provided to the traffic consultant. No more than one request for addendum will be requested and/or required for a given TIA/TS.
3. Following completion of the final review, written recommendations regarding any requested variances, observations, objections to and/or concurrence with the findings of the study will be provided to appropriate Fort Smith personnel and to the traffic consultant. A final meeting may be requested by the applicant to review the findings and negotiate the mitigating improvements required as a condition of approval of the application.

## **J. Standards**

1. Acceptable levels of service shall be in accordance with Table 27-503-7-1, Level of Service Without Development. To summarize, Table 27-503-7-1 indicates that:
  - a. When the LOS Without Development is LOS A, B, or C, the minimum acceptable Projected LOS shall be LOS C.
  - b. When the LOS Without Development is LOS D, E, or F, the minimum acceptable Projected LOS shall be equal to the LOS Without Development.



**Table 27-503-7-1** Adopted Level of Service

		Level of Service Without Development					
		A	B	C	D	E	F
<b>Projected LOS</b>	A	N/A					
	B	B	N/A				
	C	C	C	N/A			
	D	C	C	C	N/A		
	E	C	C	C	D	N/A	
	F	C	C	C	D	E	N/A

2. The applicant must identify all improvements necessary to achieve the adopted Level of Service. On site improvement (improvements necessary other than improvements on the existing street system) must be provided and paid for by the applicant. Necessary improvements to the public street system at proposed driveways or development streets are also the sole responsibility of the applicant. Funding of other improvements identified in the TIA/TS that are necessary along existing streets or at existing intersections will be negotiated between the City Engineer and the applicant with the applicant funding a fair proportionate to the impacts based on the new traffic of the proposed development compared to existing or projected traffic on the street system. In instances where complete funding of the improvements is not available and the applicant is only responsible for a portion of the cost, the applicant shall place in escrow his or her negotiated share. The escrow account will be specific to the location of the required improvements to assure the money is not spent at other locations. A projected year of beginning of construction will be included in the escrow agreement. If the improvements are not under construction by the projected date, the escrow money will be refunded to the applicant.
3. Required improvements may be phased in based on the TIA/TS findings and the projected impacts of each phase of the project.
4. The City Engineer may deny the application, or condition the proposed development on a phasing schedule, pending the correction of deficiencies in the existing level of service from improvements that are identified in the City's Five-Year Capital Improvement Program for Streets, Bridges, and Drainage (CIP) or other applicable improvements priority listing. However, nothing in this section requires the applicant to correct existing level of service deficiencies, and the applicant is responsible only for its pro-rata share of improvements needed to maintain the current level of service or to avoid a reduction in the level of service below LOS C.

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**27-503-8 Engineering Design Standards**



Street design shall conform to the criteria established in the Standard Specifications, Master Street Plan, Bikeway Plan, Trails and Greenways Plan, and Street Standards.

### **27-503-9 Bicycle Facilities**

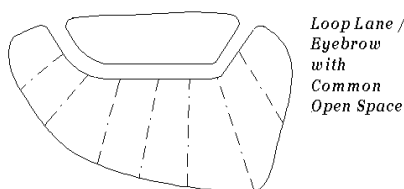
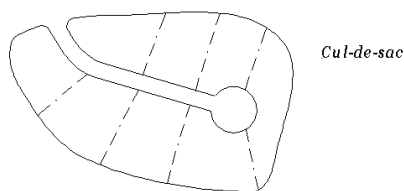
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Bikeways shall be consistent with the Bikeway Plan

### **27-503-10 Cul-de-sacs and Dead-End Streets**

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- A. As an alternative to cul-de-sacs, applicants are encouraged to use eyebrow or loop lane street configurations that have two points of access to a public street.



- B. Maximum Development

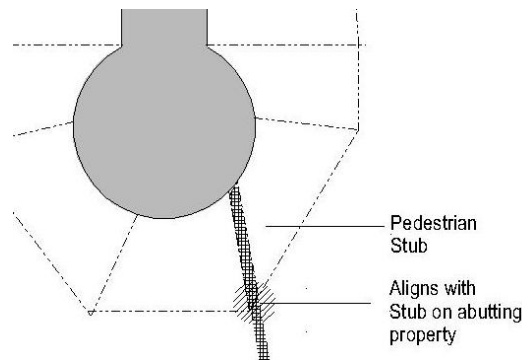
The land uses on lots that access a cul-de-sac shall not generate more than 200 average daily trips (ADT) per day, as determined by the Trip Generation Manual.

- C. Turnarounds

A cul-de-sac shall be provided with a turnaround having a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet at the curblane or edge of pavement.



#### D. Pedestrian Connection



1. The Planning Commission may require a cul-de-sac design that includes a stub connecting the cul-de-sac to sidewalks, parks or open space on abutting parcels where:
  - a. By reason of topography, grade, and distance, the stub would provide reasonable pedestrian access to the surrounding neighborhood; and
  - b. The improvement is compatible with and will not adversely affect other property in the area where it is proposed to be located; and
  - c. The distance to an abutting sidewalk, park or open space is not excessive when compared to the cost of providing the pedestrian connection.
2. A cul-de-sac stub is required where the lots abut a public trail system, bike path, park, or greenway.
3. The stub shall be improved as a pedestrian walkway, trail, or bikeway in accordance with the City's design standards. The stub shall align with any existing pedestrian walkway, trail, or bikeway on an abutting property.

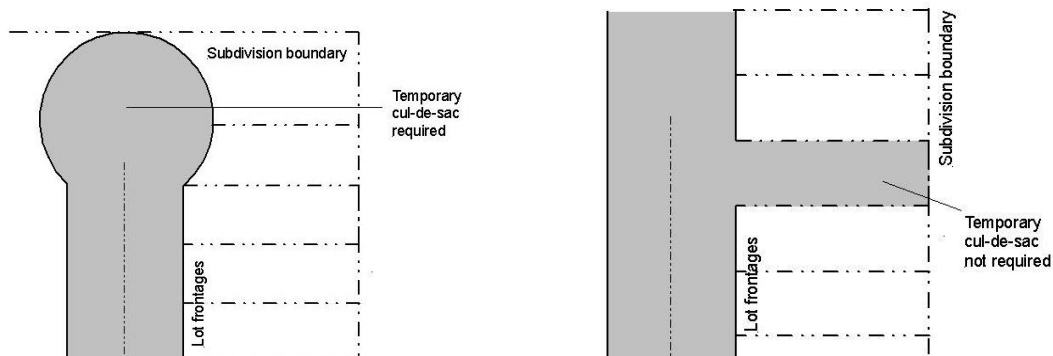
#### E. Dead-end streets

Dead-end streets are not permitted except on a temporary basis where they relate to the extension of the street in the development of adjoining land. A paved cul-de-sac shall be provided at the end of the dead-end street. A cul-de-sac is not required where no lots front on the street.

1. Dead-end streets may not be used as or for driveways.
2. Lots may not front the right-of-way of a dead-end street.



3. Dead-end streets shall be designed according to Fort Smith Street Standards.



## 27-503-11 Landscaping

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### A. Applicability

Residential subdivisions shall include landscaping on the perimeter streets and subdivision entry landscaping as provided below. Replats of existing residential lots and residential subdivisions with no more than five (5) lots are exempt from perimeter frontage landscaping and subdivision entry landscaping. This requirement does not include residential for multifamily development. Lots platted with frontage only on the perimeter street are exempt from the perimeter landscaping requirement. Landscaping for multifamily developments must comply with the requirements of Section 27-602-3 and can be deferred until the building permit is issued for the multifamily development.

### B. Perimeter Frontage Landscaping

Perimeter frontage landscaping shall comply with the following:

1. Perimeter landscaping shall be located along the entire perimeter of the subdivision that fronts the right-of-way of a public street. The perimeter landscaping shall be located on the subdivision property. The landscaping shall be parallel and adjacent to the public right-of-way line.
2. The perimeter landscaping area shall have a minimum width of ten (10) feet.
3. At a minimum, the perimeter landscaping planting strip shall be planted with one (1) tree and ten (10) shrubs for every fifty (50) linear feet of right-of-way frontage.



### C. Subdivision Entry Landscaping

1. Applicability. Proposed developments subject to this requirement shall provide subdivision entry landscaping. Subdivision entry landscaping must conform to the standards in subsection (b), below.
2. Standards
  - a Streets or driveways with only two (2) lanes shall provide landscaping at the intersection of the external access street and the internal street or driveway leading into the proposed development.
  - b Streets or driveways exceeding two (2) lanes or thirty- eight (38) feet shall provide a landscaped median with a minimum width of eight (8) feet.
  - c The median shall be planted with one (1) tree and ten (10) shrubs for every fifty (50) linear feet of median length.
  - d Subdivision entrance signs must conform to the requirements applicable sign regulations.

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#### **27-503-12 Maintenance**

The applicant shall comply with § 27-515 (Private Infrastructure Maintenance).

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#### **27-503-13 Pedestrian Easements**

A cross-block easement shall be provided for any street exceeding 600 feet between intersections with other streets, as follows:

- A. An easement for utilities and pedestrians with a minimum width of 20 feet; or
- B. An easement reserved for pedestrian passage with a minimum width of 10 feet.

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#### **27-503-14 Shared Driveways**

Driveways may be used and shared for ingress and egress between adjoining residential or non-residential lots so that there is a single curb-cut, subject to the following standards:

- A. All Lots** require approved maintenance provisions for the shared driveway.
- B. Residential Lots**
  1. This section applies to lots that are used for residential, single-family detached dwelling units.



2. The minimum width and maximum number and type of lots that may be served by a shared driveway are as follows:

Minimum Shared Driveway Width	Maximum Number of Lots
12 feet	2
18 feet	4
22 feet	6

3. Up to two (2) additional lots are permitted along a shared driveway if it has more than one connection to a public street.
4. There must be at least eighteen (18) feet between shared driveways measured along the front property line.
5. All lots that access a shared driveway must have frontage on a developed public street or private street.



### **C. Non-Residential and Multi-family Lots**

1. This section applies to lots that are used for duplex, multifamily, commercial or industrial uses.
2. The minimum width required for shared driveways serving non-residential lots is twenty-two (22) feet.
3. The maximum trip generation for lots that access a share driveway is sixty (60) average daily trips (ADT). The maximum trip generation may increase to 200 if there is rear access for each lot.

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### **27-503-15 Street names and numbers**

#### **A. Avoiding Confusion**

1. Street names and numbers shall not duplicate the spelling of existing streets in the City or within the jurisdiction of the Planning Commission.
2. Street names should not be difficult to pronounce or spell. The following guidelines should be considered when assigning street names:



- a. The words "Old" or "New" must not be used with a base name.
- b. Abbreviations or single letters of the alphabet must not be used for the base name.
- c. Homonyms or names that sound like other names that are already in the system should be changed (e.g. Ray / Wray / Reigh, Steven Lane / Stephen Lane; Disk Drive / Disc Lane).
- d. Names that tend to be mispronounced or misspelled or are difficult to pronounce or spell should not be used (e.g., Javelina, Peony, Weimaraner).
- e. Two-word names or one-word names that can be confused as two-word names should not be used. This avoids the problem of two words being combined into one word, or vice versa, when entered (e.g., Clearlake, Clear Lake, Brookhaven, Baytree).
- f. A street name should not contain directional words such as North, South, East, or West. If they are used, it is difficult if not impossible to distinguish the pre-direction portion of a full street name from the street name itself. Northridge is an example of a street name that breaks this rule as well as the two-word rule above.
- g. Street names containing punctuation or special characters (e.g., Fishermen's, J.F.K., Holman-Fuller) should be avoided, as punctuation makes street names unnecessarily complicated, and some database programs do not gracefully handle punctuation. Furthermore, words that normally require punctuation should not be used with the punctuation omitted (e.g., Fishermens Landing). Apostrophes, hyphens, or dots may be included when necessary (to avoid confusion, for example), but it is especially important that special characters such as commas, quotation marks, and asterisks not be used. In the case of numbered streets, such as First Street or Tenth Avenue, it is recommended that the names be spelled out as opposed to using numbers with suffixes. This practice allows for the creation of a complete yet strictly alphabetical index.
- h. Streets of the same name should not intersect at more than one location. Street names shall change at each 90-degree angle, unless the City Engineering Department determines that continuing the street name will not impair traffic safety.



- i. Street names that will be placed on street identification signs shall be limited to fifteen (15) characters and spaces. Typical street designations such as highway, boulevard, circle, court, road, street, and avenue will be abbreviated when calculating the number of characters and spaces. Abbreviations are not permitted on the plat.

**B. Assigning Street Names**

1. Easements or private streets that have traffic volumes of at least fifty (50) trips per day must have a street name.
2. A street name may contain up to three parts:

Prefix	Base Name	Road Type
N	Joy	Road

**C Addresses**

1. The City Engineering Department shall assign addresses to the streets. These street names and addresses shall not be altered without authorization from the City.
2. Addresses must correspond to the address grid established by the City of Fort Smith and Sebastian County 911 Emergency System. Street Name Signs

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**27-503-16 Traffic Control**

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**A. General**

The Developer shall provide all temporary traffic control devices relative to construction of improvements until the beginning of the warranty period. Temporary traffic controls shall comply with § 120 of the Standard Specifications. The City will furnish and install permanent traffic control signs.

**B. Traffic Control Devices**

Traffic control devices and their installation shall conform to the "Manual on Uniform Traffic Control Devices," latest edition. Traffic signals shall conform to the standard specifications of the City.



**C. Ornamental Signs**

Decorative, ornamental and specific signs shall be the responsibility of the developer and shall conform to the sign ordinance, and must first be approved by the City Streets and Traffic Control Department.

**27-503-17 Traffic Calming**

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Traffic calming devices shall conform to the Master Street Plan.

**27-503-18 Fire Protection**

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- A.** Water mains shall be constructed of a size and material sufficient to provide and maintain pressures and flows adequate for fire protection, as provided in the Arkansas Fire Prevention Code and section 27-507-2 of this Chapter (Minimum Water Design Standards.
- B.** Fire hydrants will be located on water mains in accordance with standards published in the Arkansas Fire Prevention Code and Section 27-507-2 of this Chapter (Minimum Water Design Standards.

**27-503-19 Sidewalks**

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- A.** Applicability

  - 1. Sidewalks are required on both sides of all arterial, collector, and commercial streets except as specified in Subsection F.
  - 2. Sidewalks are required on one side of an internal residential street except as specified in Subsection F.
  - 3. Sidewalks are required on the subdivision side of all adjacent or perimeter streets.
  - 4. Double frontage lots shall have sidewalks on both street frontages.
  - 5. Sidewalks are required only on one (1) side of subdivision entry streets unless residential lots are platted or planned to be platted on both sides of the street.
  - 6. Applicants may contribute to the sidewalk construction fund in lieu of sidewalk construction. The amount of contribution will be determined as the actual dollar value of sidewalk construction for sidewalks that are required. The dollar value of the sidewalk improvements will be determined by the project engineer and approved by the City Engineer. Donations to the sidewalk construction fund may be accepted where:



- a. the required sidewalks are along an existing street that has no existing sidewalk network; or
- b. the City Engineering Department determines the construction of a sidewalk is not feasible.

When a contribution to the sidewalk fund is accepted, the sidewalk assessment portion of the building permit fee required by Section 6-30 (16) of the Fort Smith Municipal Code will not be required for the initial permit on any of the individual lots within the subdivision. All subsequent permits for improvements on the individual lots will include the sidewalk assessment portion of the building permit fee.

**B. Time of Construction**

- 1. Sidewalks for streets interior to a subdivision must be completed:
  - a. before the issuance of building permits for eighty percent (80%) of the lots on the block, or
  - b. five (5) years after the construction plans are approved.
- 2. If sidewalks are not constructed for any block within the time periods prescribed in this section, the City may:
  - a. call the performance bond and complete construction of the sidewalks; and/or
  - b. withhold building permits pending the completion of sidewalks within the time limits set out above.
- 3. Sidewalks along perimeter collector or arterial streets must be:
  - a. completed before the issuance of any building permit in the proposed subdivision; or
  - b. guaranteed pursuant to a subdivision improvement agreement between the City and the applicant.

**C. Width.** Except as otherwise specified in the Americans with Disabilities Act (ADA), sidewalks shall have a minimum unobstructed width of five (5) feet.

**D. Continuity.** Sidewalks shall not be installed in such a manner that they conflict with or are obstructed by power lines, telephone poles, fire hydrants, traffic/street signs, mail boxes, trees, buildings, barriers, light poles, or any other structure. Where encroachment is necessary, the minimum unobstructed width of the sidewalk shall be at least 4 feet. The grades of sidewalks shall be such that abrupt changes of grades greater than eight percent (8%) are not encountered. When there is an existing or anticipated obstruction, the sidewalk shall be installed around the object and shall provide the required sidewalk width.



- E. Grade. Sidewalks shall be constructed so as to align vertically and horizontally with adjoining sidewalks.

F. Internal Walkways in Lieu of Sidewalks

The Planning Commission may waive or reduce the sidewalk requirements and allow the applicant to construct an internal walkway, trail or greenway system (an "alternative system") as a substitute for a sidewalk section if it finds that:



1. the alternative system complies with the standards in Section 27-509, and
2. the alternative system substantially serves the same purpose as a the sidewalk section that it replaces; and
3. the alternative system connects to the public sidewalk system.

## **27-503-20 Street Lights**

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- A. Street lights shall conform to Sec. 22-4 of the Municipal Code (Installation of street lights on public streets and in residential subdivisions) and the design criteria established in any adopted neighborhood street lighting program. In the event of a conflict between § 22-4 and a neighborhood street lighting program, Section 22-4 of the Municipal Code shall control.
- B. The City will not furnish decorative street light poles and fixtures. The developer must coordinate the purchase, installation, and replacement of any decorative street light poles and lights with the utility company. After the subdivision is complete and the lots are sold, any replacement poles and/or lighting must conform to § 22-4 of the Municipal Code, unless the lights are purchased, installed and maintained by a property owners association (POA/HOA) or individual homeowners.

## **27-504 Easements**

### **27-504-1 Utility Easements**

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- A. Easements shall be provided for and maintained in accordance with the standards and specifications required by the City Engineering Department and any franchise utility standards. Where alleys are not provided, adequate easements shall be provided where necessary for use by utilities. Utility easements shall be separated from drainage easements except for necessary cross lines.



- B. All water and sewer easements shall be of such dimensions as to provide access for the construction, and maintenance of the facilities within the easements and according to the applicable design standard.

#### **27-504-2 Drainage easements**

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All drainage easements shall be of the dimensions necessary to provide access for equipment appropriate for construction, cleaning, and maintaining of the drainageway, consistent with Section 27-506.

#### **27-504-3 Private Access Easements**

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The Planning Commission may approve private vehicular access easements as ingress and egress for lots provided all of the following conditions are met:

- A. A private vehicular access easement shall only be approved in multifamily, commercial and industrial subdivisions or developments.
- B. The easement shall be at least twenty-four (24) feet wide and not more than five hundred (500) feet in length. The easement shall comply with all the standards for public streets and utilities as provided in this Section. This includes the design standards in this Section and guarantees and warranties required by Sections 27-513 and 27-514.
- C. The easement shall be covered with an approved all weather surface such as concrete, asphalt, brick, graded and compacted gravel, or similar comparable materials treated to prevent dust and overgrowth.
- D. The private vehicular access easement may be used for emergency vehicle access and public service vehicle access. The proposed provision of access by an easement shall be reviewed by all utility companies and public service departments including fire, sanitation and police.
- E. The easement shall not be maintained by the City. It is the applicant's responsibility to provide a maintenance plan that identifies the entities or parties who are responsible for maintaining the easement and that complies with Section 27-515.
- F. If the private easement is gated:
  - 1. Master Key Security System. A master key security system shall be provided on all gates. The security system shall include the following:
    - a. a gate override in case of power failure; and



- b. a master key shall be provided for emergency access and public service providers.
- 2. Queuing. At gated entrances where traffic can queue into public streets, the gates and entrances design must provide for sufficient storage capacity so that no queuing vehicles will queue into the public street.

## **27-505 Sanitary Sewer**

### **27-505-1 Applicability**

No sanitary sewer facility shall be constructed, altered, extended, or reconstructed within a subdivision, planned development, or a developed area within the planning jurisdiction of the City of Fort Smith without first having the approval of the City of Fort Smith Utility Department and any required state agencies. All such construction shall meet the requirements included herein.

### **27-505-2 General Requirements and Design Criteria**

Sewer systems shall comply with the City of Fort Smith *Sanitary Sewer Standards*, which document is included herein by reference.

## **27-506 Stormwater Management**

Purpose: the purpose of this section is to establish stormwater management level of service standards and criteria for conventional and engineered stormwater management systems.

### **27-506-1 Applicability**

No storm drainage facility - whether an enclosed structure, pipe, or an open channel, ditch or stream - shall be constructed, altered, or reconstructed within a subdivision, planned development, or a developed area, within a public right-of-way or easement, or discharge into, upon, or under a public right-of-way or easement, or a subdivision or planned development or developed area within the planning jurisdiction of the City of Fort Smith, without first obtaining written approval from the Department of Engineering.

### **27-506-2 General Design Requirements**

Stormwater management systems shall comply with the City of Fort Smith *Storm Drainage Standards*.

### **27-506-3 Erosion Control**

Erosion control measures shall be provided which are consistent with the requirements of the Arkansas Department of Environmental Quality (ADEQ)



## **27-507 Water**

### **27-507-1 Applicability**

No water improvement facilities shall be constructed, altered, extended or reconstructed within the City of Fort Smith or the planning jurisdiction of the City of Fort Smith without first having the approval of the City of Fort Smith Utility Department and any required state agencies. All such construction shall meet the requirements included herein.

### **27-507-2 General Requirements and Design Criteria**

Potable water systems shall comply with the *City of Fort Smith, Minimum Water Design Standards*, which document is hereby incorporated by reference and made a part of this Ordinance.

## **27-508 Reserved**

## **27-509 Trails and Greenways**

### **27-509-1 Applicability**

Subdivisions that include at least 100 lots shall include trails and/or bikeways that conform to the requirements of this section.

### **27-509-2 Trails**

Trails may be included as part of the Parks and Open Space required by Section 27-508. Trail easements shall be a minimum of 20 feet in width. The construction and maintenance of trails shall conform to the City's Trails and Greenways Master Plan.

### **27-509-3 Bikeways**

Bikeways shall be provided consistent with the Bikeway Plan.

## **27-510 Resource Conservation**

**Purpose:** this section encourages the preservation of existing features that add value to development or to the local government as a whole, such as trees, historic spots, viewsheds, natural areas, riparian corridors, hillsides, and similar irreplaceable assets, to be preserved in the design of a subdivision or development. This section implements the following policies of the Comprehensive Plan:

- Minimize impermeable surfaces of all developments to help retain and drain water on site. All development needs to address stormwater event loading on-site and downstream. This is called total maximum daily loading or TMDL's.



- Incorporate the protection or replacement of wetland or vegetation habitats in development guidelines.
- Protect riparian corridors through erosion control and drainage management. In many cases this means unchanneling concrete stream beds, replanting wetlands for water absorption, and allowing natural drainage. These stream valley and drainage areas can be park and pedestrian friendly trail systems, or primary habitat and aesthetic community amenities.

## **27-510-1      Generally**

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### **A.      Applicability**

1. This section applies to any application for subdivision or site plan approval except as provided below.
2. This section does not apply to any such application within the Commercial Downtown Zoning District.

### **B.      Application**

Applications for subdivision or development plan approval subject to this section shall indicate all of the following:

1. Aquifers and aquifer recharge areas;
2. Soils poorly suited to development as set forth in the USGS Soil Survey;
3. Floodplains;
4. Wetlands;
5. Prime agricultural and forestlands; and
6. Natural habitat of rare or endangered species.

## **27-511      Wetlands Protection**

*Purpose: the purpose of this section is to provide flexible regulations that encourage the preservation of wetland areas. The City finds and determines that wetlands provide the following public benefits, as designated in the Arkansas Wetlands Mitigation Bank Act (§§ 15-22-1001 through 15-22-1012, A.C.A.), the Arkansas Private Wetland and Riparian Zone Creation and Restoration Incentives Act (§§26-51-1501 through , A.C.A.), and numerous scientific and technical documents:*

- *Wildlife, migratory birds, and resident species;*
- *Commercial and sport fisheries;*
- *Scientific and research values.*
- *Flood moderation and flood impact mitigation by slowing storm water runoff;*



- *Surface and groundwater quality and quantity enhancement by removing sediment, nitrogen, phosphorus, and other pollutants from surface water;*
  - *Habitats for fish and wildlife, including waterfowl and rare or endangered species, thereby promoting habitat and species diversity;*
  - *Groundwater recharge can occur in wetlands that will assist in ensuring that groundwater is available for the future;*
  - *Outdoor recreation, including enhancement of scenic waterways and recreational uses for hunting, fishing, hiking, etc., that not only add to the quality of life, but also have a significant economic impact on the City, county, region and state; and*
  - *Timber and food production in properly managed wetlands can provide wood products, plants, and animals for human and livestock consumption.*
- A. Applications for subdivision or development plan approval shall include a true copy of any dredge or fill permit requested or issued pursuant to section 404 of the Federal Water Pollution Control Act, 33 U.S.C. § 1344, or any other action requiring wetland mitigation.
- B. The applicant shall notify the Engineering Department of any changes or conditions to the application that are issued prior to final plat approval.

## **27-512 Land Dedication and Reservation**

### **27-512-1 Dedication of On-Site Facilities**

- A. The City shall not have any responsibility with respect to any street, or other improvements, notwithstanding the use of the same by the public, unless the street or other improvements are accepted by the City.
- B. Prior to requesting final acceptance of streets, sanitary sewers, and storm sewers, the applicant shall furnish record drawings in reproducible form.
- C. After the public improvements have been offered for dedication to the City, the City shall accept the improvements when it determines that they are constructed in accordance with the requirements and conditions of this chapter and when all documentation required by this chapter is furnished. The applicant shall furnish proof that all improvements are free of liens and debts.

### **27-512-2 Dedication of Off-Site Facilities**

- A. The applicant and the City may agree to the off-site facilities that will be provided by the applicant. The agreement must be included in the Subdivision



Improvement Agreement, and shall constitute a waiver of any constitutional claims that may be raised against the City for improvement requirements.

- B.** If the applicant does not consent to the off-site improvements requested by the City, the applicant shall submit:
1. a Traffic Impact Analysis, for off-street improvements, regardless of whether a TIA would be otherwise required; and/or
  2. an analysis of the impacts of the proposed development on the specific improvements based on generally accepted engineering principles.
- C.** The City Engineer shall review the impact analyses provided pursuant to subsection (b), and submit a recommendation to the Director and the Planning Commission. Based upon this analysis and any additional evidence presented in the record, the City may require the applicant to provide any off-site improvements that are roughly proportionate to the impacts of the proposed development.

### **27-512-3      Reservation of public facilities**

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Where proposed public facilities are designated for location in whole or in part in a proposed subdivision, the Planning Commission, Board of Directors or other public body may require that land for those public facilities be reserved as a condition of preliminary plat approval for a period of four (4) months following the date of notification of the developer's intent to develop as evidenced by submission of the preliminary plat or sketch plat. The body having jurisdiction or financial responsibility for the acquisition of the reserved facility or facilities shall be given an opportunity to execute a written contract to acquire by purchase or file suit for condemnation of the area reserved for such facility or facilities; provided further, however, said contract to acquire must be closed within twelve (12) months following the date of the approval of the preliminary plat.

## **27-513      Performance Guarantees**

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### **27-513-1      Development with City improvement guarantee**

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The developer may enter into an agreement with the City of Fort Smith to ensure the completion of the improvements as outlined below.

- A.** The City may enter into an agreement with the developer for the applicant to provide the required improvements. All formal agreements entered into by the City will be with the Developer only. Agreements entered into between the City and the Developer will bind each principal of the Developer regardless of the Developer's form of organization.



- B. Upon final approval of construction plans, the Developer shall enter into an agreement with the City to ensure the completion of the improvements as outlined below. The Engineering Department will issue a letter of temporary approval (which is one of the requirements prior to filing the subdivision plat) subject to the assurance of installation of the improvements.
- C. The improvements required by the UDO shall either be completed and accepted by the City or shall have a guarantee posted with the City assuring their completion in accordance with these regulations, before the final plat may be filed for record.
- D. One (1) of the following methods shall be used by the developer to guarantee that improvements required by the UDO shall be installed:
  - 1. Certificate of completion of improvements. The developer may submit for approval to the Engineering Department record drawings showing that all improvements and installations have been installed in accordance with the appropriate City standards.
  - 2. Performance bond. If the developer cannot certify that all improvements and installations have been completed, a performance bond may be posted in favor of the City. Such performance bond shall specify the time for the completion of the improvements and installations and shall be in an amount and within a time approved by the Engineering Department. The City will also accept an assignment from the developer of a performance and payment bond issued from the contractor to the developer. The assignment shall not be approved unless the City Attorney certifies that it is enforceable under Arkansas law. Also, the developer must provide proof that the contractor and surety company acknowledge and accept the assignment of the performance and payment bond to the City. Such performance and payment bond shall specify the time for the completion of the improvements.
  - 3. Cash Deposit. The developer may provide a cash deposit in the full amount of the anticipated development costs for the remaining incomplete improvements. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the City.
  - 4. Financial guarantee. The developer may provide an irrevocable letter of credit or similar financial commitment from a local or other approved financial institution authorized to conduct business in the State of Arkansas verifying the availability of funds, and the City's access thereto, without cost to the City for the installation and completion of the improvements by the City in the event of failure, complete or partial, of the



developer to do so according to the plans approved by the City. The form of the financial commitment and the financial institution must be approved by the City.

### **27-513-2 Amount of Assurance**

The amount of the performance and payment bond, cash deposit or financial commitment shall be in the full amount of the improvements not yet completed as determined by the Engineer and agreed to by the City as sufficient to complete the improvements in accordance with these standards and the approved plans and specifications. The City shall also require that the performance and payment bond, cash deposit or financial commitment shall include provisions for, or amount sufficient to reimburse, the City's expenses related to its administrative costs or professional consultant services which are determined by the City as necessary to cause the completion of the improvements, which amount shall include, without limitation, an amount sufficient to reimburse the City for the reasonably anticipated administrative costs and professional services expenses to be incurred by the City.

### **27-513-3 Coordination with City**

The City shall have the right of access to sites during the planning, design and construction phases of development. The Developer shall schedule all activities to provide the City with adequate notice and review time.

## **27-514 Maintenance Warranty**

### **27-514-1 Generally**

Upon acceptable completion of the required improvements and prior to the commencement of the "temporary acceptance" period, the Developer shall provide, in writing, a maintenance warranty to the City that the Developer will maintain, repair and reconstruct the project, in whole or in part, for a period of 24 months after the temporary acceptance date of the project by the City in the event of failure due to defective design, defective materials or workmanship. The maintenance warranty shall be in the amount of fifty percent (50%) of the total construction cost of the street improvements.

### **27-514-2 Acceptable Warranty Methods**

One, or a combination, of the following methods shall be used by the Developer to financially assure the maintenance warranty:

#### **A. Maintenance Bond**

A maintenance bond may be posted in favor of the City of Fort Smith to fulfill the materials and workmanship portion of the maintenance warranty. The maintenance bond shall be issued by a surety company authorized to conduct business in the State of Arkansas. The City will also accept an assignment from the Developer of a maintenance bond issued from the Contractor to the Developer provided that:

1. Said assignment must be in a form acceptable to the City Attorney; and,



2. The Developer must provide proof (acceptable to the City) that the Contractor and surety company acknowledge and accept the assignment of the maintenance bond to the City.

**B. Extension of the Performance and Payment Bond.** The performance and payment bond or assignment thereof allowed above may be extended through the 24-month maintenance warranty period to fulfill the materials and workmanship portion of the maintenance warranty. If the Developer selects this method of maintenance assurance, he must provide assurance to the City, acceptable to the City Attorney, that all parties acknowledge and accept the extension of the performance and payment bond or assignment thereof.

**C. Cash Deposit.** The Developer may provide a cash deposit in the amount specified herein to fulfill the design and/or materials and workmanship portion(s) of the maintenance warranty. The cash deposit shall be accompanied by documentation stating the conditions of deposit and withdrawal acceptable to the City Attorney.

**D. Financial Commitment.** The Developer may provide an irrevocable letter of credit or similar financial commitment from a local, or other approved financial institution authorized to conduct business in the State of Arkansas, verifying the availability of funds, and the City's access thereto without cost to the City to make all corrections, maintenance, repairs or reconstruction as necessary to fulfill the design and/or materials and workmanship portion(s) of the maintenance warranty. The form of the financial commitment and the financial institution must be approved by the City.

<b>27-515 Private Infrastructure Maintenance</b>
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<b>27-515-1 Applicability</b>
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- A.** This section applies to any improvement required by this Chapter, where this Chapter allows the improvement to be privately maintained.
- B.** Failure to adequately maintain the improvements in reasonable order and condition constitutes a violation of this Chapter. The City is hereby authorized to enforce or to correct the violation by any means authorized by law.

<b>27-515-2 Residential Developments</b>
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**A. Generally**

1. For residential developments, the improvements shall be maintained by a permanent homeowners association, permanent condominium



association, permanent improvement district or similar permanent entity (hereinafter the "maintenance entity").

2. The instruments creating the maintenance entity shall be provided with the application for subdivision plat approval.

**B. Homeowners Association**

1. If the maintenance entity is a Homeowner's Association, the Homeowner's Association shall assume full responsibility for maintenance of the improvements.
2. The applicant shall provide a description of the association, including its bylaws and methods for maintaining the landscaping.
3. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.
4. Membership in the association must be automatic (mandatory) for all purchasers of homes therein and their successors.
5. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
6. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.
7. A proposed operations budget and plan for long term capital repair and replacement of improvements in or to the parks or open space shall be submitted with the final plat. The members of the association shall share the costs of maintaining and developing the landscaping. Shares shall be defined within the association bylaws.
8. In the event of a proposed transfer, within the methods here permitted, of landscaping by the homeowners' association, notice of such action shall be given to all property owners within the development.

- C. Condominium.** If a permanent condominium association is used to maintain the improvements, the improvements shall be controlled through the use of a permanent master deed that conforms to the Horizontal Property Act, A.C.A. tit. 18, subtitle 2, ch. 13 [§ 18-13-101 et seq.]. All undivided landscaping land shall be held as a "common element." A proposed operations budget and plan for long term capital repair and replacement shall be submitted with the Application for preliminary plat approval.



## **D. Improvement Districts**

An improvement district may be established pursuant to A.C.A. title 14, subtitle 5 that:

1. Has the authority to maintain the improvements; and
2. Has established assessment or other financial mechanisms in an amount sufficient to maintain the improvements in good order.

<b>27-516 Appeals and Variances</b>
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### **27-516-1 Appeals of Administrative Determinations**

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The Planning Commission shall hear appeals from the decision of the administrative officers in respect to the enforcement and application of this chapter, and may affirm or reserve in whole or in part the decision of the administrative officer.

- A. Process.** Any person, officer of the City, or other governmental agency not in agreement with a decision made by the Director may appeal the decision within 30 days of the decision by filing with the Director a notice of appeal along with a payment of the required appeal fee. The filing shall specify the reason for the appeal. The Director shall then transmit to the Planning Commission all the information on the details of the decision and the reason for the appeal. This shall be done in advance of the next regularly scheduled meeting that is more than 30 days from the date of the appeal.
- B. Stay.** An appeal puts all processing of applications on hold until the appeal process is completed.
- C. Hearing.** The Planning Commission shall schedule a reasonable time for the hearing of the appeal or any other matter referred to it. Notice shall be provided, published, mailed and posted pursuant to Section 27-308.
- D. Action.** In exercising its powers, the Planning Commission, in conformity with the provisions of law, may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination.
- E. Appeal.** Appeal to the Board of Directors.

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### **27-516-2 Variances**

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The Planning Commission shall hear requests for variances from the literal provisions of the Subdivision Design and Improvement Standards chapter in instances where strict enforcement of the regulations would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action shall be in keeping with the spirit and intent of the provisions of the Subdivision Design and Improvement Standards chapter. The Planning Commission may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

### **27-516-3 Planning Commission Procedures**

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The Planning Commission shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum in procedure, and keep a public record of all findings and decisions. The public meeting requires a notice of the meeting date and agenda to be published in a newspaper of general circulation in the City of Fort Smith at least one (1) time fifteen (15) days prior to the meeting.

### **27-516-4 Submission Requirements**

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The Director shall prepare an application form specifying the information to be submitted.

**A. Application.** The applications shall contain at least the following information:

1. The legal description of the subject property;
2. The street address of the subject property;
3. A subdivision plat drawn to scale (1" – 20', unless otherwise approved) showing proposed variance;
4. The literal provision from which a variance is requested and the provision desired in lieu of the literal provision;
5. The names and addresses of all property persons listed on the current tax assessment rolls who are landowners within 300 feet of the petitioned property. This information shall be provided either electronically or typed on mailing labels.
6. The names and addresses of all owners of the subject property and/or their agent; and the date that this petition shall be considered by the Planning Commission.
7. Application fee.



- A. Notice.** This information shall be used by the Director to mail notice to all persons listed in the application to inform them of the public hearing on the variance request, the street address of the property and the reason for the variance request.

#### **27-516-5      Application and Review Procedures**

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- A. Determination of Completeness.** Applications shall be submitted to the Director for a determination of completeness pursuant to Section 27-303.
- B. Neighborhood Meeting.** The applicant shall comply with the requirements for a neighborhood meeting pursuant to Section 27-304. The Director may waive the requirement for a neighborhood meeting where:
- There are few or no neighbors within 300 feet of the proposed variance. The Director may also request that the applicant meet individually with the few property owners.
1. The proposed variance shall allow development in compliance with surrounding land uses.
  2. The variance request represents a minor change to the development requirements that shall have little or no effect on surrounding properties.
- C. Staff Review.** Following a Determination of Completeness, the Staff shall review the application pursuant to Section 27-305.
- D. Notice and Public Hearing.** Following the completion of Staff review and required neighborhood meetings, the application shall be scheduled for a public hearing before the Planning Commission.
1. Notice shall be provided pursuant to Section 27-308.

#### **27-516-6      Action**

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- A Action.** Following the public hearing, the Planning Commission may approve, approve as amended, or deny the application for variance.
- B Conditions.** The Planning Commission may impose conditions on the granting of a variance to insure compliance and to protect adjacent properties.

#### **27-516-7      Appeal of Planning Commission Decisions**

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Decisions of the Planning Commission in respect to the above shall be



subject to appeal by the Board of Directors.

## **27-600**

### **General Development Standards**

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- |        |                                |
|--------|--------------------------------|
| 27-601 | Off-Street Parking and Loading |
| 27-602 | Design Guidelines              |
| 27-603 | Access Management              |



<b>27-601</b>	<b>Off-Street Parking and Loading</b>
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<b>27-601-1</b>	<b>Approval Procedure For Off-Street Parking, Loading And Vehicle Access</b>
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- A. New construction or remodeling.** No building permit for new construction, expansion or change in occupancy shall be approved until a parking plan has been reviewed and approved by the building official as a part of the building and site plan review process. No certificate of occupancy shall be issued until all off-street parking and loading facilities have been constructed or bonded according to the building permit.
- B. Plan and information required.** As part of the application for a building permit for new construction, expansion or a change in occupancy of an existing structure the applicant shall submit a parking plan showing the number, location and size of all parking spaces. The applicant shall submit information necessary to demonstrate compliance with these regulations.
- C. Plans for paving of parking area.** Plan for paving of all off-street parking areas, aisles, and access driveways, including detailed drainage plans, shall be reviewed and approved by the Engineering Department for compliance with this division.
- D. Permits required.** All new parking lots and additions to existing parking lots shall require a building permit.

<b>27-601-2</b>	<b>Minimum Parking and Loading Space Requirements</b>
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Listed below are land uses which are included in this chapter. Each land use has a specific parking and loading standard which must be met. In certain cases where a land use has no specific standard determined in advance by these regulations, the Director shall make a determination of need after review of the site plan.

<b>Dwellings and Lodgings</b>	<b>Off-Street Parking</b>	<b>Off-Street Loading (27-601-4)</b>
Single-family and two-family dwellings	2 spaces per living unit	
Multi-family dwellings		
One-bedroom units	1 1/2 spaces per living unit	
Two- or more bedroom units	2 spaces per living unit	
Group residential (boarding- and rooming houses, dormitories, fraternities, sororities)	1 space per 2 occupants at maximum building capacity	
Mobile home parks and subdivisions	2 spaces per unit or lot	
Hotel or motels	1 space per room, plus required spaces for restaurant and other commercial facilities, plus 1 space per 3 employees	A
Bed and Breakfast	2 spaces/unit plus 1 per guest room	
Multi-family housing for elderly (housing where more than 90% of all units are occupied by persons 60 years of age or older)	1/2 space per dwelling unit with 1 bedroom 1 space per dwelling unit with more than 1 bedroom	

<b>Services</b>	<b>Off Street Parking</b>	<b>Off Street Loading (27-601-4)</b>
Animal services (boarding, grooming, hospitals, retail sales)	1 space per 400 square feet	A
Ambulance/Emergency medical service	1 space per 500 square feet GFA plus one space for each emergency vehicle based at the site	A
Amusement or entertainment establishment	1 per each 4 patrons (maximum capacity)	



<b>Services</b>	<b>Off Street Parking</b>	<b>Off Street Loading (27-601-4)</b>
Automobile rentals	1 space per 400 square feet plus 2 vehicle drop off spaces	A
Automobile sales	1 space per 2,000 square feet of outdoor display area; 2 spaces minimum	
Automobile service stations	1 per service bay and 1 per each employee	
Automobile storage	1 space per 5,000 square feet of lot area, plus a minimum of 2 spaces outside any perimeter fence or secure area	
Banks or savings and loan	1 per 150 square feet C.S.A. plus minimum of 5 queuing spaces per drive-through window plus 1 per 3 employees	B
Barber shop	1 1/2 spaces per chair plus 1 per each 2 employees	
Salon	2 per operator station plus 1 per each 2 employees	
Bowling alley	5 spaces per lane plus required spaces for other affiliated uses	A
Building materials and services	1 space per 1,000 square feet of lot area	A
Catering services	1 space per 400 square feet GFA	A
Clinics	1 space per 250 square feet GFA	A
Churches and accessory structures	The required parking shall either be based upon one (1) parking space per four (4) seats (24 linear inches of bench or seating spaces) in the main sanctuary, or the required parking shall be based on the parking requirements for the use of the proposed accessory structure, whichever is greater	
Clubs or lodges (private, nonprofit)	1 space per 50 square feet of assembly area (M.S.C.)	C
Cultural Institutions	1 space per 500 square feet	C
Day Care	1 space per employee plus 1 space per 200 square feet GFA	
Funeral home and mortuaries	1 space for every 3 seats in the chapel plus 2 spaces per viewing	A



<b>Services</b>	<b>Off Street Parking</b>	<b>Off Street Loading (27-601-4)</b>
	room	
Government Offices	1 space per 200 square feet GFA	C
Health clubs	10 spaces, plus 1 for each 200 square feet gross floor area in excess of 1,000 square feet	
Hospital and sanitariums	1 space per 2 beds plus 1 per hospital staff and doctors and 1 per each 3 employees at maximum shift	A
Laboratories	1 space per 500 square feet GFA	A
Maintenance and repair services, other than automotive	1 space per 400 square feet GFA	A
Multipurpose buildings	1 space per every 4 permanent seats; where no seats are provided, 1 space per 30 square feet of floor area in the principal assembly room	B
Nursing, convalescent or rest home	1 space per 4 beds plus 1 space per each 2 employees at a maximum shift	A
Medical or dental clinics or office	1 space per 200 square feet GFA	
Offices (business or professional)	1 space per 300 square feet G.F.A.	B
Personal improvement services	1 space per 250 square feet GFA	
Personal services not otherwise listed	1 space per 300 square feet GFA	
Public Utility Service Yard	1 space per 1,000 square feet of developed site	A
Printing and publishing	1 space per 400 square feet GFA	C
Public storage	1 space for the exclusive use of the resident manager; 4 spaces for up to 150 storage units, 6 spaces for 151 to 500 units, 10 spaces for 501 to 1,000 units, and one additional space for each 500 storage units or portion thereof in excess of 1,000 units.	
Recycling facility	As determined by development	C



Services	Off Street Parking	Off Street Loading (27-601-4)
	plan	
Research and development services	1 space per 400 square feet GFA	A
Schools (new classroom facilities), nursery school, day care center or elementary school, junior high school (K thru 9th grade)	1 space per employee plus 1 space per 20 students plus 5 queuing spaces	
Senior high school (10th thru 12th)	1 space per employee plus 1 space per each 5 students at M.S.C.	
College, university, trade or vocational school	1 space per employee plus 1 space per 3 students at M.S.C.	
Schools, All, expansion	In addition to parking required for new construction, schools will be required to provide at the time of expansion parking spaces at a rate of 1 space per 20 students M.S.C. and 1 space per employee based on existing facilities.	
Self-service laundries, dry cleaning	1 space per 2 machines	
Skating rink	1 space per 5 fixed seats, or 1 space per 35 square feet GFA if there are no fixed seats; plus 1 space per 250 square feet of additional public assembly and retail areas (excluding rink)	A
Theaters, auditoriums	1 space per 4 seats at M.S.C., or 1 space per 35 square feet of there are no fixed seats	B
Golf driving range	1 space per driving station	
Miniature golf	1 space per 2 holes plus parking for other associated activities	
Family group home I and neighborhood group home II	1 space for each employee plus 1 space for each 4 residents	
Community residential facility	1 space for each employee plus 1 space for each 2 residents	



<b>Services</b>	<b>Off Street Parking</b>	<b>Off Street Loading (27-601-4)</b>
Casino gaming business	One space per 4 patrons based on the occupancy load as established by local, county and state fire, building or health codes, plus one space per employee on the largest working shift.	
Warehousing	1 space per 1,000 square feet plus 1 space per 300 sq. ft. for auxiliary office use.	C

<b>Retail Trade</b>	<b>Off Street Parking</b>	<b>Off Street Loading (27-601-4)</b>
Department and variety stores	1 space per 200 square feet of C.S.A.	
Grocery stores and market	6 spaces plus 1 space per 200 square feet C.S.A. over 1,000 square feet	A
Furniture store, automobile sales	1 space per 500 square feet C.S.A. plus 1 space per employee	
Liquor store	3 spaces plus 1 space per 300 square feet G.F.A. over 500 square feet plus 1 queuing space per drive-through window	A
Night club or tavern	4 plus 1 per 50 square feet C.S.A.	
Nursery	1 space per 1,000 square feet of lot area for the first 10,000 sq. ft., then 1 per 5,000 sq. ft. plus 1 per 250 sq. ft. sales floor area	
Radio and T.V. sales and/or repair	1 per 200 square feet C.S.A.	
Restaurants (drive-in and drive-up fast food)	1 per 100 square feet C.S.A. plus 1 per 3 employees plus 5 queuing space per drive-up window	A
Restaurants (not drive-in or drive-up)	1 per 3 seats at M.S.C. plus 1 per employee	A
Retail sales not otherwise listed	1 space per 300 square feet GFA	A
Secondhand store	1 space per 500 square feet GFA	
Shopping center	1 per 250 square feet up to 400,000 sq.ft. GFA; 1 per 225 for	C



Retail Trade	Off Street Parking	Off Street Loading (27-601-4)
	400,001 to 600,000 sq. ft. GFA; 1 per 200 sq. ft. over 600,001 sq. ft.	
Specialty shops (camera, gifts, jewelry, etc.)	4 plus 1 per 200 square feet C.S.A. over 500 square feet	
Speculative buildings	As specified by development plan approval	C
Wholesale establishments	4 plus 1 per employee	

\*Note:

C.S.A. = Customer service area  
G.F.A. = Gross floor area  
M.S.C. = Maximum seating capacity  
G.L.A. = Gross leasable area

### 27-601-3 Minimum Parking Standards For All Uses Not Listed In Section 27-601-2

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A. Minimum parking standards for all uses not listed in section 27-601-2 are as follows:

Retail	
For the first 12,000 square feet GLA	1 space/200 square feet GLA
From 12,001 to 48,000 square feet GLA	1 space/225 square feet GLA
Over 48,000 square feet GLA	1 space/250 square feet GLA
Office	
For the first 12,000 square feet GLA	1 space/200 square feet GLA
From 12,001 to 48,000 square feet GLA	1 space/300 square feet GLA
Over 48,000 square feet GLA	1 space/350 square feet GLA

Manufacturing and Industrial	Service, Repair and Shop Areas
For the first 20,000 square feet GFA	1 space/400 square feet GFA
Over 20,000 square feet GFA	1 space/1,000 square feet GFA

Warehousing and Storage	
For the first 20,000 square feet	1 space/1,000 square feet GFA
Over 20,000 square feet GFA	1 space/5,000 square feet GFA



- B. For mixed land uses containing any combination of retail, office, manufacturing, industrial, or warehousing activity, parking requirements will be tabulated separately for each land use within the development, using the list of specific standards or the tables above. Mixed land uses regulated under separate parking requirements shall not be combined to achieve a larger square footage total that would result in a reduced parking requirement. If any part of a mixed land use is converted to another land use category, the parking requirements shall be re-calculated based on the new square footage figure.
- C. Where a manufacturing and industrial land use has more than one (1) working shift of employees, parking facilities shall be adequate to accommodate overlap requirements during transition periods.
- D. Where a multiple purpose retail and industrial building is to be occupied by a land use that requires less parking than the standards contained herein, the building official may permit designation of a smaller parking area to meet the estimated need. However, the balance of the land required by these regulations shall be held in reserve to meet future needs generated by an expansion of the business or a change in land use.
- E. If a portion of the floor area of a structure is devoted to parking, that area shall be excluded in computing the off-street parking requirements for any land use.

#### **27-601-4 Loading facilities**

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- A. **Off-Street Loading Space Required.** Every industrial, commercial, retail, wholesale, office, and/or civic building erected or expanded shall provide space for loading unloading of vehicles as identified in Section 27-601-2. The number of off-street loading spaces required by this division shall be considered the minimum, and the developer shall evaluate the needs of the development to determine if they are greater than the minimum specified by this division.
- B. **Number Of Off-Street Loading Spaces Required.** The following table illustrates the number of required loading spaces required by land use category according to the floor area. Where a use will not require the loading space identified by this table, the applicant may request that the Planning Commission allow the loading space to be marked for additional parking. Loading space may not be eliminated from a site or incorporated into a building.

<b>Off Street Loading Spaces Required</b>			
Use/Gross Floor Area (sq. ft.)	Number of Spaces Required		
	10'x20'	12'x35'	12'x50'
<b>Use Group A</b>			
15,000 – 50,000		1	



<b>Off Street Loading Spaces Required</b>			
Use/Gross Floor Area (sq. ft.)	Number of Spaces Required		
	10'x20'	12'x35'	12'x50'
50,001 and over		1	1
<b>Use Group B</b>			
10,000 – 20,000	1	1	
20,001 and over	1	2	
<b>Use Group C</b>			
Up to 30,000		1	
30,001 – 100,000		1	1
100,000 and over		2	1

### **C. Loading Facility Design Criteria**

1. Off-street loading spaces shall be oriented so that vehicles, regardless of size, can maneuver entirely within property lines. Property lines and street rights-of-way adjacent to maneuvering and loading areas to be protected by a 6' fence, 18" tall welded, pipe barrier or other approved device.
2. Site/development plan shall provide basic loading design elements including:
  - a. Certified and dimensioned turning radii for size and types of vehicles utilizing docks re: dock location, circulation on the site and ingress and egress from site.
  - b. Site entrance and egress shall comply with driveway standards as per Section 27-603 (Access Management).
  - c. Description of drainage to prevent standing water in dock areas.
  - d. Area and security lighting for dock area shall comply with Sec. 27-602-5 (Commercial and Outdoor Lighting).
  - e. Description, location and detail of property line, structure and rights-of-way barriers.

**D. Loading Zones.** Off-street loading requirements shall not be required within any Commercial Downtown zoning district. However, the Chief of Police must approve any loading or unloading activity in any Commercial Downtown zoned area.

**E. Violations.** Violations to this section will be subject to the enforcement procedures and penalties listed in these regulations.

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### **27-601-5      Parking: Purpose and intent**



This section is designed to provide adequate parking and maneuvering facilities for all land uses in the city. The standards and procedures of this section are intended to assure that each land use will have facilities that are functionally adequate for its purpose.

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**27-601-6 Off-street Parking Requirements**

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- A. Permanent off-street parking in the amount specified in this section for any land use shall be provided when any new building is constructed or when any existing principal building is expanded.
- B. In addition, permanent off-street parking shall be required when property is changed from one land use to another or when a building is changed from one (1) type of occupancy to another. Occupancy for this purpose is defined in the City's building code.
- C. A minimum of 50% of required parking spaces to be directly accessed by a public street.

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**27-601-7 Use of Public Right-of-Way Prohibited**

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- A. No portion of any parking space or minimum required maneuvering area may make use of any part of a public street, right-of-way, alley or other public property.
- B. No public street, right-of-way or public property may be used to gain direct access to a parking space except that an alley can be used for maneuvering space to reach a parking space.

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**27-601-8 Exemption**

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Legally established land uses and structural uses, existing at the effective date of this ordinance, where minimum required parking is not provided, shall not be required to meet these minimum requirements until required in section 27-601-6.

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**27-601-9 Minimum Standards, Property Owner Responsibility**

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The standards in this section are minimum requirements. It shall be the responsibility of the property owner to certify at the time of application for a building permit that the development plan provides sufficient spaces and facilities necessary to assure that no activity will take place on public rights-of-way or property not under the owner's control.

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**27-601-10 Ownership or Control**

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The land on which the off-street parking or loading facility is located shall be owned or controlled by the same entity which owns and controls the land on which the principal



use is located, or by a joint use agreement as defined in subsections 27-611(b)(1) and (b)(2).

## **27-601-11      Off-street Parking Standards**

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**A. Remote Parking Permitted.** If the off-street parking space required by this section cannot be reasonably provided on the same lot on which the principal use is located, space may be provided elsewhere if approved by the Planning Commission, but in any case the parking must be within three hundred (300) feet of the facility it serves.

**B. Joint Parking Facilities.** The required parking spaces for any number of separate land uses may be combined in a joint parking facility under the following conditions:

- a. Shared parking. Separate facilities under separate ownership and control may use a common parking lot provided a legal and binding agreement such as a Shared Parking Agreement is utilized which grants each of the separate facilities the right to use the common parking lot is filed with the circuit clerk. The agreement must grant each facility enough space in the common parking lot to meet the minimum parking requirements of the city. Parking required will be calculated according to the minimum parking standards in Section 27-342 referring to common parking lots.
- b. Church and school parking lots. A facility located within three hundred (300) feet of the property line of a church or school may use the parking lot of the church or school to provide up to twenty-five (25) percent of its required parking so long as the operating schedules of the facility and the church or school do not conflict. This also applies vice versa as:
  - i. A church or school located within three hundred (300) feet of the property line of another facility may use the parking lot of that facility for up to twenty-five (25) percent of its required parking so long as the operating schedules of the church or school and the facility do not conflict.
  - ii. In either case, a document must be filed with the Director showing that the operating schedules of the facilities involved do not conflict. At such time that the schedules do conflict, the separate facilities will be required to provide enough additional parking to meet the requirements of this chapter.
- c. Residential parking design. Single-family and duplex residential structures located on one (1) lot may use a paved driveway to fulfill the minimum parking requirements of this section. The space for each automobile shall be a minimum of nine (9.0) feet in width and nineteen (19.0) feet in length.



The residential driveway shall conform to the driveway design requirements of Chapter 22, Article III.

#### **27-601-12      Parking Area Construction Standards**

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- A. Paving.** All portions of access driveways or public rights-of-way connected to paved streets for which the grade has been established must comply with Chapter 22, Article III (Driveway Approaches and Curbs).
- B. Design.** Off-street parking areas shall be designed to provide systematic and orderly circulation, traffic separation devices, and parking spaces in accordance with this subdivision and with sound traffic engineering practices.
- C. Separation From Public Right-Of-Way.** All off-street parking and public right-of-way shall be separated by a six-inch-high concrete header curb, bumper or landscape timbers and shall be designed so that vehicles do not overhang public sidewalks, public rights-of-way or adjacent property.
- D. Lighting.** Lighting illumination levels for off-street parking shall not create a hazard for traffic or be a nuisance to adjoining properties.
- E. Clearance.**
  - a. An eight (8) foot high vertical clearance free of all obstructions is required for all portions of any off-street parking space, except when off-street parking spaces are provided in a parking structure, a residential garage or carport.
  - b. No obstruction within or near the bounds of any required off-street parking space shall interfere with the normal use of the space.

#### **27-601-13      Handicapped Parking**

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- A.** The number of accessible spaces allocated will follow the guidelines set out in the City's building code and ICC/ANSI A117.1.
- B.** Accessible parking spaces and accessible routes shall be designed according to the City's building code and ICC/ANSI A117.1.

#### **27-601-14      Minimum Parking Design Standards**

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##### **A. Parking area design standards.**

- 1. Basic design standards. The basic parking space dimension shall be a width of nine (9) feet and a length of eighteen (18) feet. The following tables and



diagrams establish the minimum design and dimension standards for parking areas.

2. Alternative design standards. While the tables provide design standards for angles of zero (0) degrees, forty-five (45) degrees, sixty (60) degrees, seventy-five (75) degrees and ninety (90) degrees, the building official shall be permitted to approve an alternative design using different angles, provided the property owner submits such a design with calculations for parking spaces and aisles based upon the standards contained herein.

**B. Queuing space.** Queuing spaces required for certain land uses in this chapter shall conform to the following standards:

1. No queuing space may occupy any portion of a public right-of-way.
2. Queuing spaces shall be a minimum width of nine (9) feet and minimum length of eighteen (18) feet.
3. A passing aisle shall be provided with a minimum width of twelve (12) feet and located adjacent and parallel to the queuing spaces.
4. Queuing spaces may not be used to satisfy the off-street parking or loading requirements of this section.
5. Queuing spaces may be provided in the primary access aisle leading to a drive-in or drive-through facility.

**C. Drive Aisle Widths.**

1. Drive aisle widths associated with off-street parking facilities must be at least twenty-four (24) feet wide if designed for two-way traffic and at least twelve (12) feet wide if designed for one-way traffic.
2. Drive aisles associated with off-street parking facilities, and maneuvering aisles that are located next to structures shall be separated from the structures by a walkway or open area at least four (4) feet wide. The walkway or open area shall be protected by a six-inch high concrete curb or a bumper guard at least two (2) feet high.
3. Parking spaces may be located immediately adjacent to buildings or structures without a four-foot walkway if the spaces are provided with a bumper guard. This can only be done when there is no public access to the building on the wall next to the parking area.
4. A drive-through window shall not overhang or extend more than one (1) foot into any parking or drive aisle.



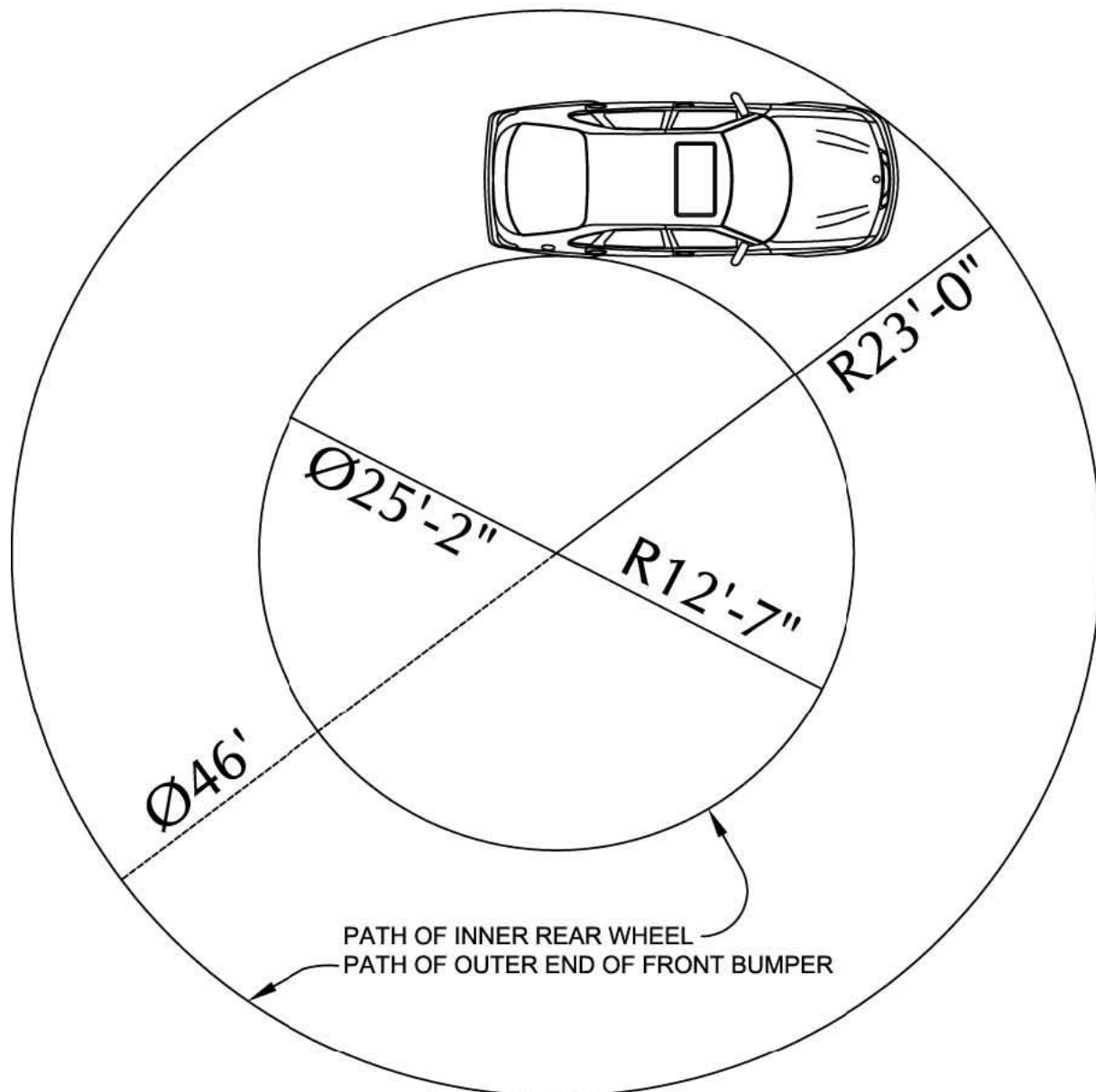
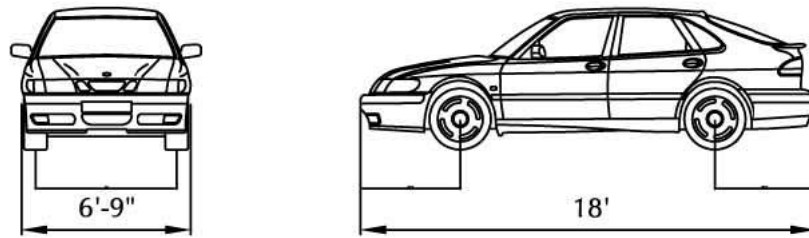
## **27-601-15      Parking Layout and Design Standards**

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- A.** The purpose of this section is to act as a guide in the design and layout of off-street parking facilities.
- B.** The tendency when designing parking lots is to crowd as many parking spaces as possible into the allotted space by reducing standards, such as narrowing parking stalls and aisles. The best design, however, should give full consideration to all design factors that improve the operation of the facility. These include internal movement, maneuvering of cars, convenience of patrons and security of vehicles.
- C.** The average automobile is eighteen (18) feet, zero (0) inches long and six (6) feet, nine (9) inches wide. Adding to these limits allowances for opening doors, the relative skill of drivers, the turning radius of the average automobile and a margin for safety, the following standards have been established. Parking areas built to these specifications will allow eighty (80) percent of all cars to park with relative ease in one (1) maneuver.
- D.** In the larger lots, the greatest economy of space can be accomplished by placing the stalls at right angles to the aisles. Acute-angle parking allows fewer stalls for a given length of curb or aisle than right-angle parking, but is more easily accessible to drivers. In addition, acute-angle parking allows aisles that are narrower and permits the use of lots which are too narrow for right-angle parking. Acute-angle parking requires that the first stall be placed a minimum distance from the property line on sidewalk. This is a safety measure to protect and separate occupants of the sidewalk from vehicles backing out of the stall.
- E.** Barrier curbs are required when parking lots continue into an adjoining property line or sidewalk. Their placement depends upon the angle for which the parking is planned.
- F.** The movement of cars within parking lot facilities requires consideration of entrance and exit locations, aisle widths and the angle of parking. One-way, counterclockwise movement is desirable, where feasible, to improve internal traffic circulation and help to reduce congestion.
- G.** The number of entrances and exits should be held to a minimum to reduce conflicts with street and sidewalk traffic. It is highly desirable that exits and entrances be separated from each other with curbing or landscape islands.



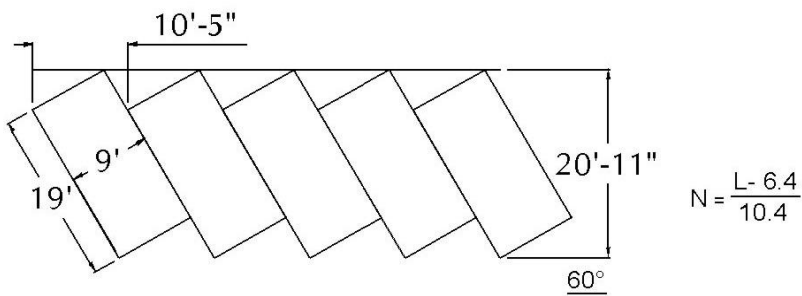
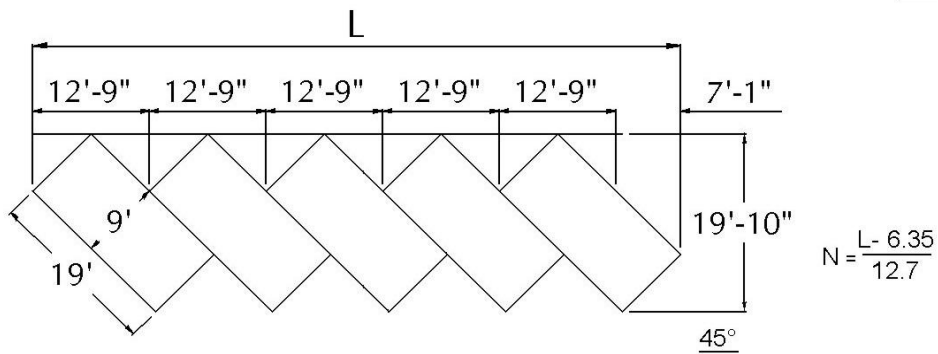
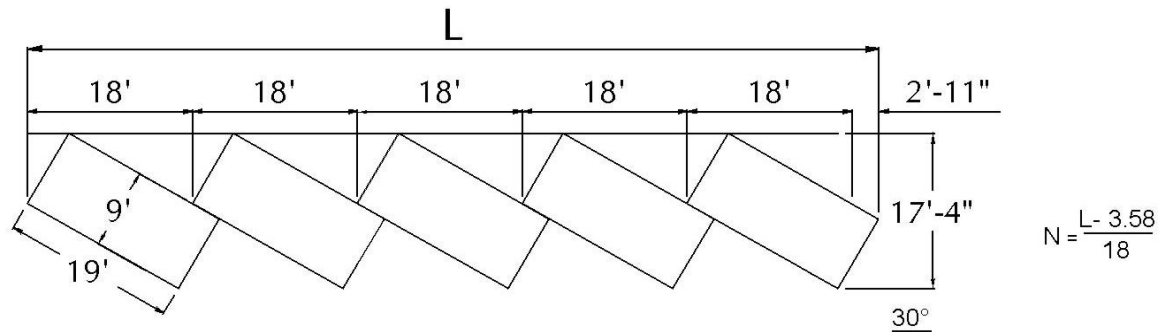
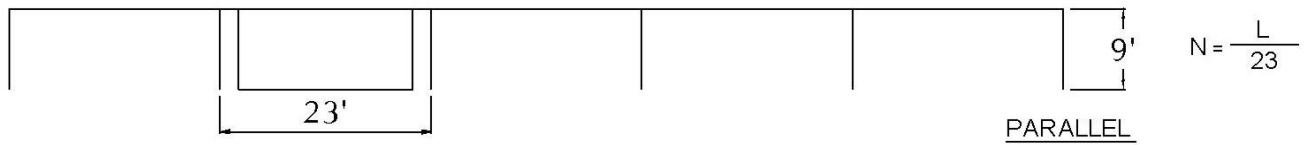
# DIMENSIONS OF THE AVERAGE AUTOMOBILE AND TURNING CIRCLE



TURNING CIRCLE OF THE AVERAGE AUTOMOBILE.

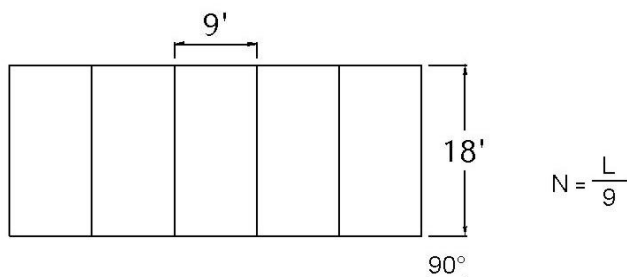


# SPACE REQUIREMENTS FOR PARKING AT VARIOUS ANGLES



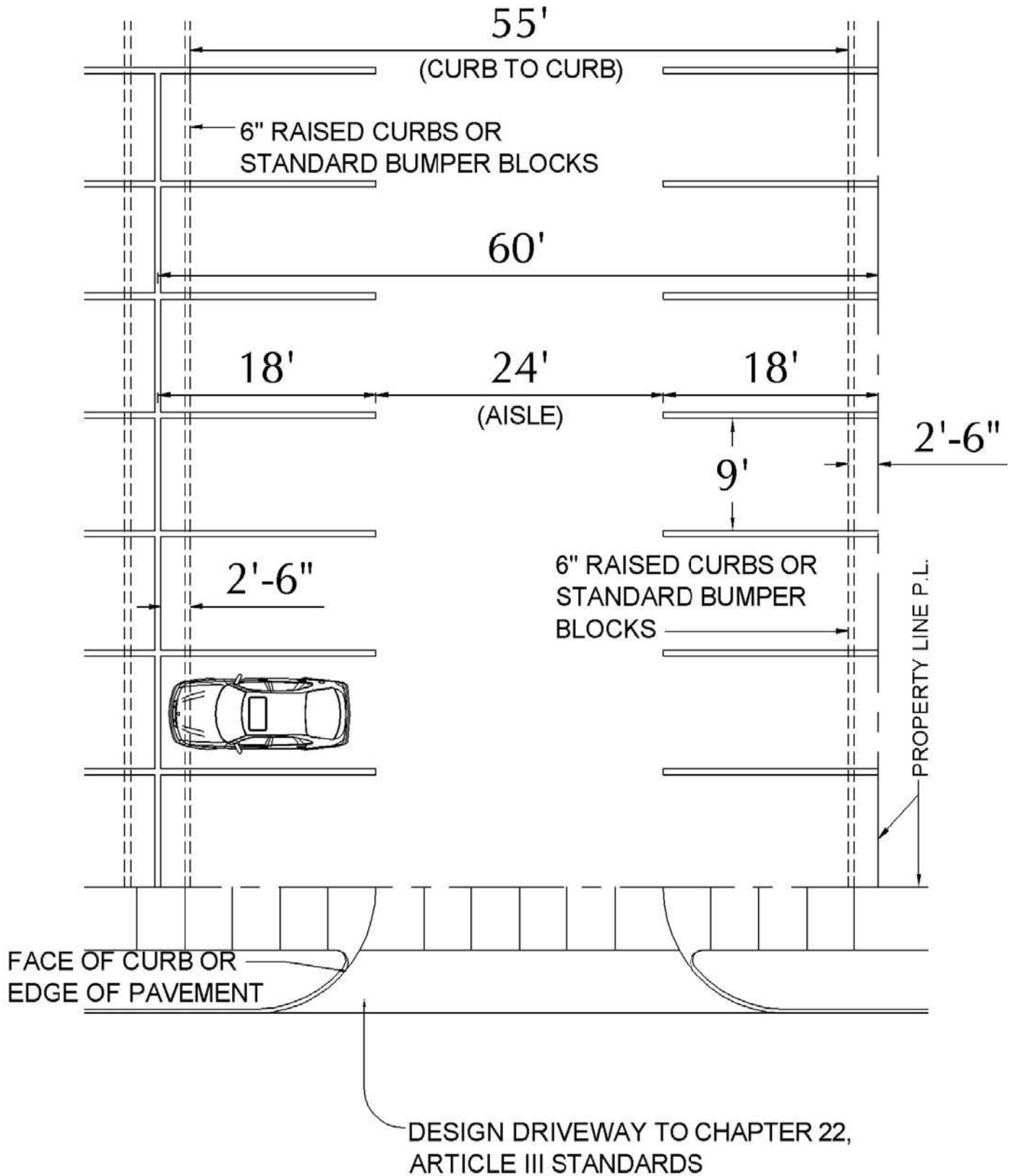
N= NUMBER OF PARKING SPACES

L= LENGTH AVAILABLE



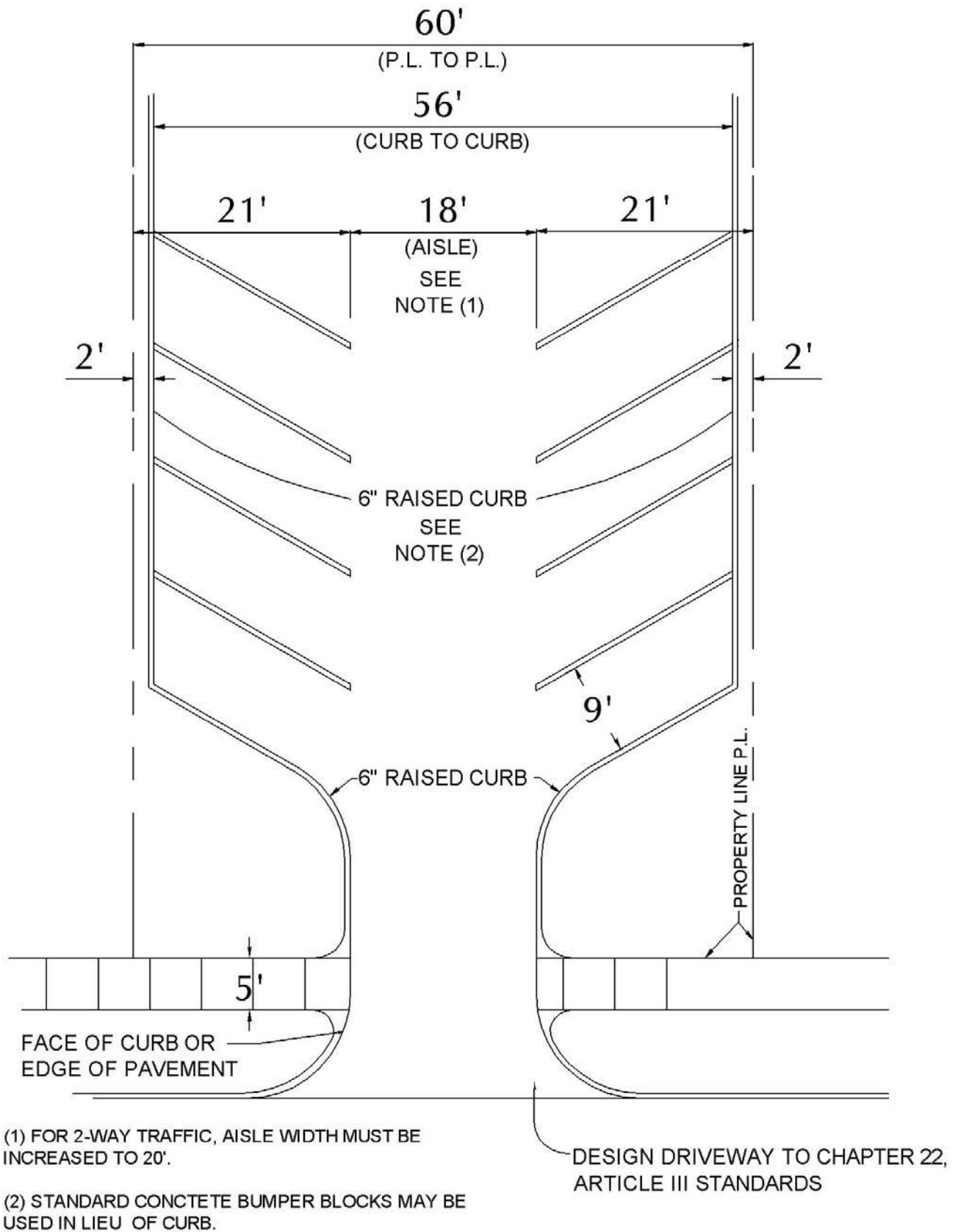


## PARKING CONFIGURATION (90°)



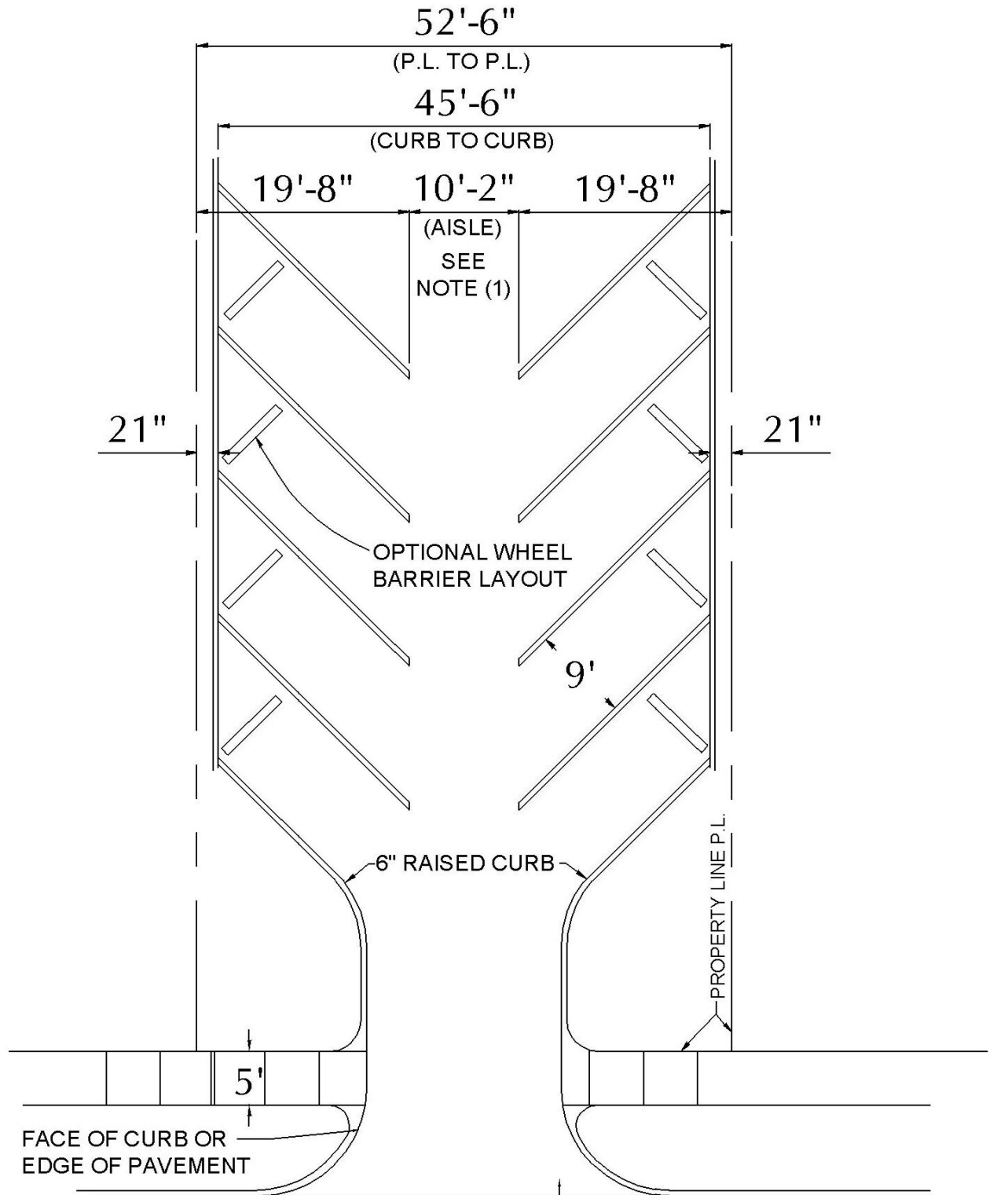


## PARKING CONFIGURATION (60°)





# PARKING CONFIGURATION (45°)



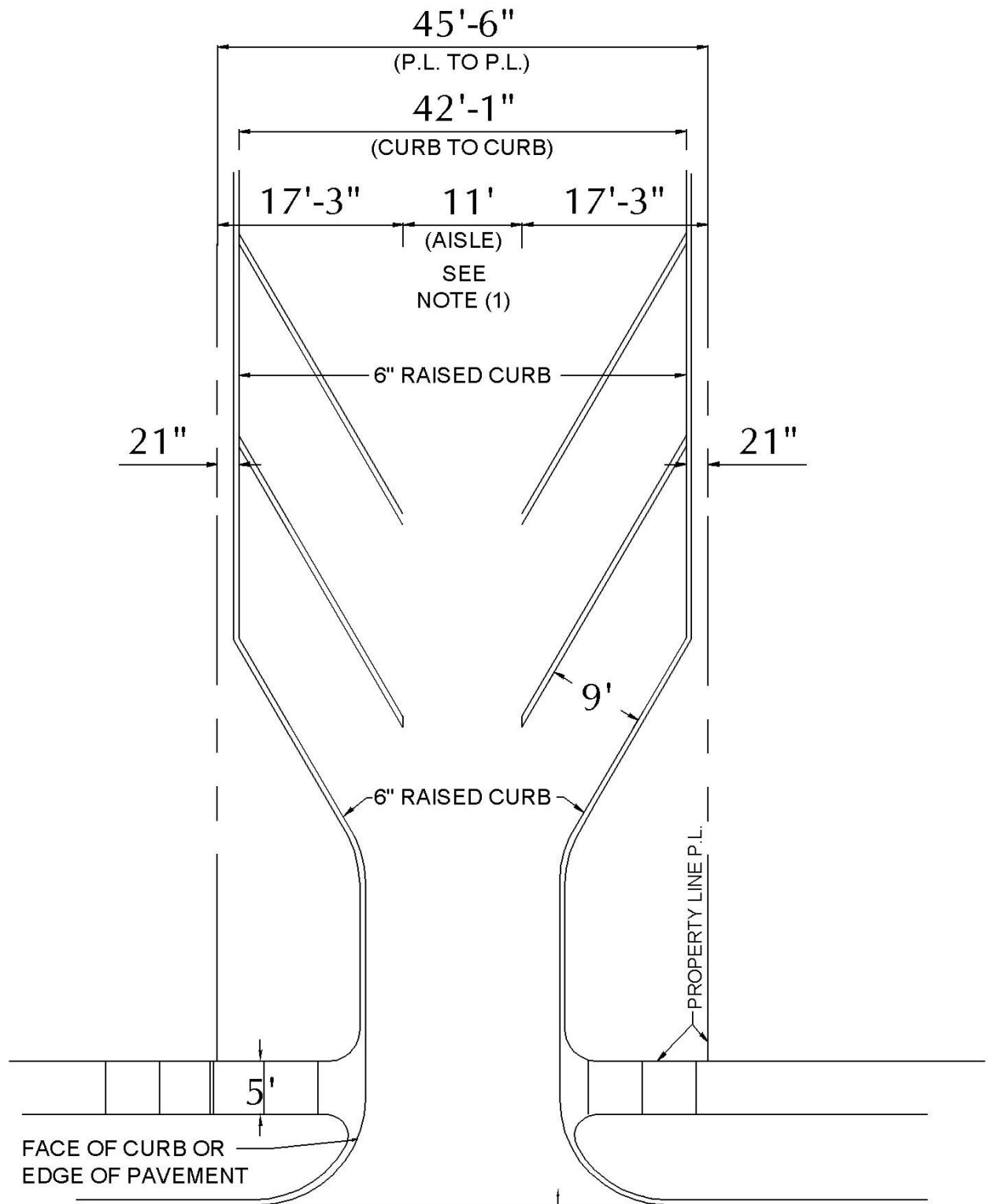
(1) AISLE WIDTH SHOWN IS MIN. FOR 1-WAY TRAFFIC. FOR LONG ROWS WIDTH SHOULD BE 5' WIDER. FOR 2-WAY TRAFFIC, AISLE WIDTH MUST BE INCREASED TO 20'

(2) STANDARD CONCRETE BUMPER BLOCKS MAY BE USED IN LIEU OF RAISED CURB.

DESIGN DRIVEWAY TO CHAPTER 22, ARTICLE III STANDARDS



## PARKING CONFIGURATION (30°)



(1) FOR 2-WAY TRAFFIC, AISLE WIDTH MUST BE INCREASED TO 20'.

(2) STANDARD CONCRETE BUMPER BLOCKS MAY BE USED IN LIEU OF RAISED CURB.

DESIGN DRIVEWAY TO CHAPTER 22, ARTICLE III STANDARDS



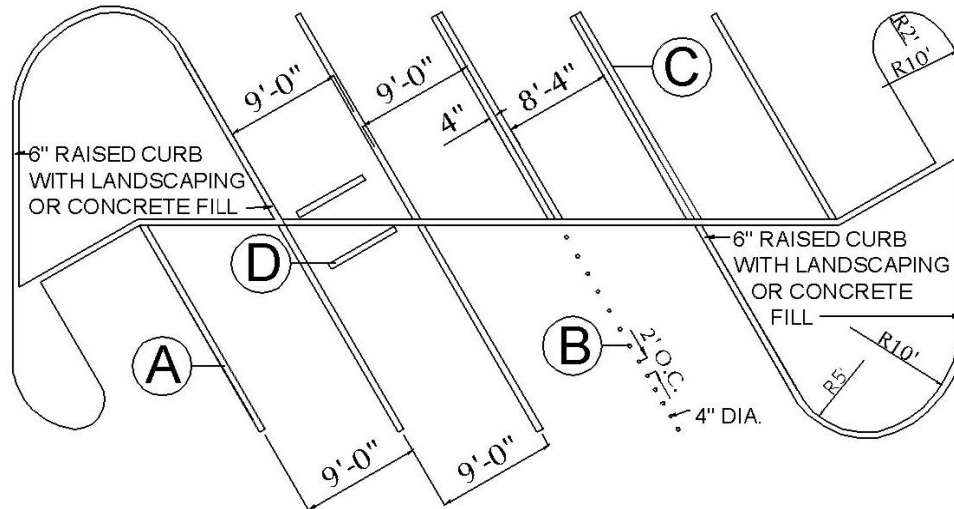
## METHODS FOR MARKING PARKING STALLS

**A** 4" PAINTED LINE

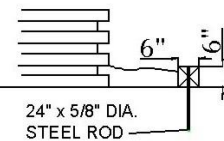
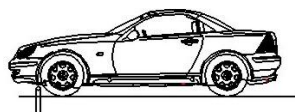
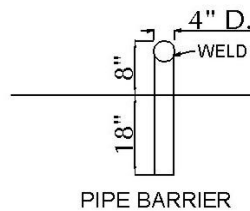
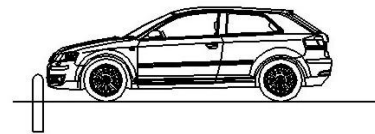
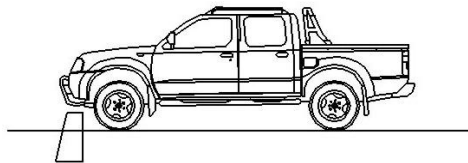
**B** 4" DIA. CERAMIC BUTTONS  
(BUTTONS 2' ON CENTER)

**C** 4" WIDE POINTED  
DOUBLE LINES

**D** 6" CONCRETE BARRIER  
SECURED W/ #5 RODS



## TYPES OF BARRIERS



TIMBER BARRIER





<b>27-602</b>	<b>Design Guidelines</b>
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<b>27-602-1</b>	<b>Applicability</b>
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- A.** The Design Guidelines apply to all new multifamily, non-residential development in residential zones, transitional, commercial, and industrial development within the City of Fort Smith. In areas where the Downtown or Belle Grove design standards apply, those standards will control over these in the case of conflict.
- B.** The Design Guidelines apply to existing multifamily, non-residential development in residential zones, transitional, commercial, and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.
- C.** Rehabilitation projects shall conform to the guidelines to the greatest extent possible.
- D.** All developments in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the development will be in noncompliance with these regulations.

<b>27-602-2</b>	<b>Site Character</b>
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- A. Intent.** To encourage on-site and off-site compatibility of development while considering the relationship between site design and the existing surrounding environment. Site character includes consideration of: physical and natural features of land; building placement; vehicular access; circulation and parking; pedestrian access; preservation and buffering of views; surrounding development; and community character and aesthetics.
  - 1. The design and style of the development should work with the site.
  - 2. Parking and internal traffic circulation should account for the interaction between pedestrians and vehicles.
  - 3. Building and street layout should define a uniform and cohesive development.
- B. Definitions.** Design related definitions can be found in Chapter 27-200.
- C. Grading and Drainage**



1. Where possible, new development should maintain the natural topography of the existing site. Extensive grading or unusual improvements which change the natural slope or drainage of the site are strongly discouraged.
2. Site drainage patterns shall be designed to prevent surface drainage from collecting on and/or flowing across pedestrian areas
3. The use of retaining walls is encouraged to reduce the steepness of manmade slopes and to provide pockets or stepped terraces for revegetation and landscaping
4. Detention areas should be self-contained within a lot or parcel that contains a building site.
5. Development must meet the City of Fort Smith drainage standards.

#### **D. Circulation**

1. Development projects must be designed to minimize traffic and/or congestion on neighborhood streets. With the exception of Rogers Avenue and other extremely high volume routes as identified by the Engineering Department, traffic should be routed from the development onto the adjacent streets with the greatest traffic capacities.
2. The design and configuration of driveways should be determined based on the size of development and capacity of streets. For example, a large, traffic-generating development with a citywide or regional drawing radius should provide sufficient driveway space for ingress and egress with turn lanes as determined by the City onto arterial level or higher streets.
3. The number of external entrances should be consistent with existing or anticipated design of adjacent streets.
4. Access points and driveways should be planned and shared between commercial properties, with access easements noted on plats. All development must comply with the City of Fort Smith Access Management standards in Section 27-603.
5. Curb-cuts should be minimized and concentrated at mid-block.
6. A noticeable gateway or landmark appropriate to the scale and size of the development shall be created at primary entryways into the development. Building placement, landscaping, gates, entry monuments, specialty lighting, and other design elements can be used to create this design effect.
7. There shall be a hierarchy of internal circulation.



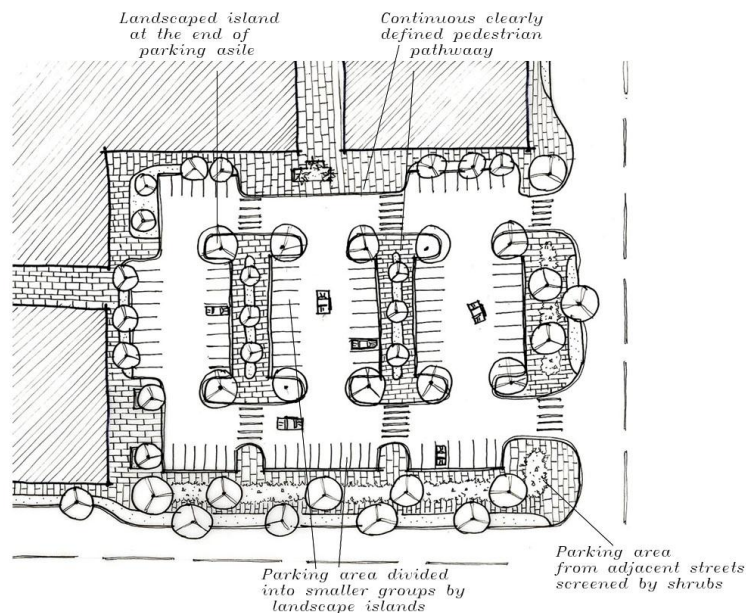
- a. Parking areas must have parking lanes and driving lanes.
  - b. There shall be limited access to driveways, which shall be provided from driving lanes wherever possible.
  - c. Circulation patterns within parking areas shall be defined by curbs and landscaped islands.
  - d. Where possible, groups of buildings should have dedicated service access lanes.
- 8. Internal vehicular and pedestrian circulation must connect in a manner obvious to users.
- 9. To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.
- 10. Sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.
- 11. Internal pedestrian walkways within parking lot or drive areas must be distinguished from other surfaces.
- 12. Pedestrian and bicycle connections must be clearly defined. Where these connections are made in a combination of two or more of the following ways, side and rear setbacks may be incorporated into parking or landscape requirements:
  - a. Six inch vertical curb
  - b. Trellis
  - c. Special railing
  - d. Bollards
  - e. Special paving surface
  - f. Low seat wall or other architectural features
  - g. Pedestrian scale lighting
  - h. Pavement striping or painting



13. Site design should integrate and facilitate access to public transit and safety vehicles.

## E. Parking

1. Surface parking and drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block. Front facades and entranceways should not be oriented toward parking areas. Where parking is located behind buildings or within the interior of a block, side and rear setbacks may be used for parking spaces and landscaping.
2. Parking lots with five or more parking spaces, maneuvering aisles, and internal access roads shall be screened in accordance with Section 27-602-3(D).
3. Parking areas must be visually screened from adjacent streets by walls, shrubs, trees, or other design elements pursuant to Section 27-602-3. The required landscaping may constitute part of the screening.



***Parking Layout Sketch – Example Concept***

4. Parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles



5. Parking lots should be divided into blocks of 40-50 spaces. Where blocks are not easily defined, groups of 20 spaces should be divided by a landscaped median island at least the size of one stall.
6. Accessible parking must be provided according to the City of Fort Smith requirements
7. Parking lots should include appropriately marked locations with racks for bicycle parking.
8. Dead-end parking (parking without a clear turn-around area) should be avoided and shall not be permitted on any non-infill or redevelopment projects.
9. Structured parking (e.g., parking decks or ramps) shall conform to the following:
  - a. Structured parking adjacent to a street shall provide an active front with pedestrian-oriented uses.
  - b. Structured parking shall integrate with adjacent buildings by using similar materials, alignments, and architectural finishes.

**F. Phased Development.** If a development is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project during the time of project development approval, but may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements

## **27-602-3 Landscaping and Screening**

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### **A. Applicability.**

1. The Landscaping and Screening requirements of the Design Guidelines apply to all new multifamily, non-residential development in residential zones, transitional, commercial, and industrial development within the City of Fort Smith. In areas where the Downtown or Belle Grove design standards apply, those standards will control over these in the case of conflict.
2. The Design Guidelines apply to existing multifamily, transitional, commercial, and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also



include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.

3. Rehabilitation projects shall conform to the guidelines to the greatest extent possible.
4. Industrial, storage, and distribution buildings when constructed along major arterial or boulevard streets as classified by the master street plan, or adjacent to residential zoning districts or single family development, and/or those buildings at the perimeter of an industrial subdivision shall provide perimeter landscaping only.
5. Parking lots used solely for the display of vehicles at an approved auto and vehicle dealer are required to provide perimeter landscaping only.
6. Development or properties in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the site will be in noncompliance with these regulations.

**B. Perimeter Landscaping** Perimeter landscaping requirements along public rights-of-way are as follows:

1. A ten-foot wide landscaped area is required and shall be located on the property parallel and adjacent to the public street right-of-way line.
2. The minimum requirement for a planting strip will be one (1) tree and ten (10) shrubs for every fifty (50) linear feet of right-of-way frontage.
3. To insure that landscape materials do not constitute a sight hazard, a clear sight visibility triangle shall be observed at all street intersections or intersections of driveways with streets. Within the designated sight visibility triangle, no landscape material exceeding twenty-four (24) inches in height shall be permitted; .provided, trees may be permitted as long as only the tree trunk is visible between the ground and eight (8) feet above the ground and the tree does not otherwise present a traffic visibility hazard. The dimensions of the sight visibility triangle are as indicated in the attached diagram for driveways for street intersections.

**C. Parking Lot Screening.**

Parking lot screening shall be placed in the ten-foot landscaped area reserved for the perimeter landscaping. The parking lot screening can satisfy the perimeter landscaping requirements, when the parking lot screening is installed in compliance with one of the three (3) options below and where trees are planted at the required spacing of one (1) tree for every fifty (50) linear feet.



When required by Section 27-602-2(E), parking lots, maneuvering aisles, and internal access roads (except driveways) shall be visually screened by one (1) or a combination of two (2) or more of the following;

1. A dense vegetative planting buffer incorporating approved landscaping materials of a variety that shall be equally effective in winter and summer. Approved landscaping materials shall be adequately spaced to form a solid continuous visual screen. Where shrubs are used they shall be evergreen in nature or approved deciduous material, be at least 24 inches tall at the time of planting, and be spaced closely enough together so as to create a seamless row of screening/buffering and reach the required height within twenty-four (24) months after the initial installation.
2. A solid masonry or vinyl fence or wall that is compatible with the principal structure or development. Where a masonry or vinyl fence or wall is utilized for the parking lot screening, the perimeter landscaping required by section 27-602-3 (c) must be installed on the right-of-way side of the fence but not in the right of way. Where fences or walls are used they shall be no more than 4 feet in height, as measured from the surface of the parking lot, except for those that are constructed as part of a comprehensive security fence.
3. Earth berms shall be gently rolling in nature so as to appear natural and have a maximum slope ratio of 3:1 (horizontal run to vertical rise) and a recommended slope of 4:1. Where a berm does not reach the minimum required screening height, additional screening measures shall be installed to complement the berm. Berms and approved landscaping materials shall be adequately spaced to form a solid continuous visual screen and reach the required height within twenty-four (24) months after the initial installation.

All parking lot screening shall be a minimum of three (3) feet above the finish elevation of the parking lot. All planted materials shall reach the required height within twenty-four (24) months after the initial installation. Screening shall be installed in a manner so that it does not impair the sight lines of driveways or intersections.

**D. Height of Screening.** The height of a screening buffer, except for parking lot screening required by section 27-602-3(C), shall comply with the following:

1. Visual screening walls, fences, or berms and fences in combination shall be four (4) to six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect.
2. Vegetation shall be four (4) to six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved with vegetation capable of growing up to four (4)



to six (6) feet in height within twelve (12) months after the initial installation.

#### **E. Interior Landscaping For Vehicular Use Areas.**

1. Requirement. For any open vehicular use area, excluding loading and unloading zones, containing more than six thousand (6,000) square feet of area, or twenty (20) or more vehicular parking spaces, the owner shall provide interior landscaping in addition to the previously required landscaping along the public right-of-way. Interior landscaping may be peninsular or island types. Applicant shall submit square footage of the paved surface area.
2. Landscaped areas. For each one hundred (100) square feet or fraction thereof of vehicular use area, a minimum total of five (5) square feet of landscaped area shall be constructed and maintained.
  - a. Additionally, the minimum size for the landscaped area shall be sixty-four (64) square feet.
  - b. In order to encourage the required landscape areas to be dispersed, no individual landscape area may be larger than three hundred fifty (350) square feet in size, unless the vehicular use area is over thirty thousand (30,000) square feet.
  - c. If the vehicular use area is in excess of thirty thousand (30,000) square feet, no individual landscape area may be larger than one thousand five hundred (1,500) square feet.
3. Setbacks. In all required interior landscape areas, trees are required to be set back a distance of four (4) feet from the edge of pavement.
4. Vehicle overhang. Parked vehicles may overhang the interior landscaped area no more than two and one-half (2 1/2) feet, provided there are concrete or other wheel stops are installed to insure no greater overhand of the landscaped area.

#### **F. Landscape Materials.**

1. Materials. Required landscape areas shall be planted using tree, shrub, grass or ground cover plants identified in subsections (e), (f), (g) and (h). Any owner desiring to plant unlisted plants may make a written application to the administrative officials of the city. Any decision of the administrative officials is subject to appeal to the Board of Zoning Adjustment according to the provisions of section 27-337 of these regulations.



2. Plants. Artificial plants are prohibited. All plant materials shall be living plants.
3. Quality. Plant materials must conform to the standards of the American Association of Nurserymen and shall have passed any inspections required by state regulations.
4. Deciduous trees. All planted deciduous trees shall have a minimum thickness of two (2) inches at the aboveground trunk at time of planting.
5. Evergreen trees. Evergreen trees shall be a minimum of five (5) feet tall at the time of planting.
6. Grass or ground cover. Grass may be sodded or seeded. In drainage swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch must be used and nurse-grass seed shall be sown for immediate protection until complete coverage is achieved.
  - a. Grass sod shall be clean and free of weeds and noxious pests or diseases.
  - b. In areas where ground cover rather than grass is used, the ground cover shall be planted to present a finished appearance and will grow to seventy-five (75) percent of complete coverage after one (1) complete growing season.

**G. Maintenance.** The developer and/or owner shall be responsible for the perpetual maintenance and preservation of the landscaping.

1. All landscaped areas must be kept:
  - a. in a proper, neat and orderly appearance,
  - b. free from refuse and debris,
  - c. with dead plant material replaced within one (1) year of the death of the plant material or by the next planting period, whichever comes first,
  - d. with other defective landscape materials replaced or repaired within three (3) months of defect, and
  - e. irrigated with an automatic irrigation system or the applicant shall supply the City with a maintenance plan specifying the method of keeping the plants alive with proper watering.



## H. Allowed Tree Species.

1. Primary list. The following trees have been found to be best suited to this area and yet require the least amount of maintenance. This list, along with the secondary list, represent trees which may be planted in the required landscaping area. Additional selective trees may be substituted when proven to be hearty to this region:

<u>Common Name</u>	<u>Scientific Name</u>
Bald cypress	Taxodium distichum
Chinese elm	Ulmus parvifolia
Ginkgo (male)	Ginkgo biloba
Honey locust	Gleditsia triacanthos
Loblolly pine	Pinus taeda
Pin oak	Quercus palustris
Sawtooth oak	Quercus acutissima
Sugar hackberry	Celtis laevigata
Willow oak	Quercus phellos

2. Secondary list. The following trees have been found to be the next best suited to this area but require increased maintenance:

<u>Common Name</u>	<u>Scientific Name</u>
American holly	Ilex opaca
Crab apple	Malus spp.
Crepe myrtle	Lagerstroemia indica
Dogwood	Cornus florida
Hawthorn	Crataegus opaca
Redbud	Cercis canadensis
River birch	Betula nigra



Southern magnolia	Magnolia grandiflora
Swamp red maple	Acer rubrum
Water oak	Quercus nigra
Weeping willow	Salix babylonica

#### **I. Shrub Species.**

1. Primary list. The following shrubs have been found to be best suited to this area and yet require the least amount of maintenance. This list, along with the secondary list, are those shrubs which may be planted in the required landscaping area. Additional selective shrubs may be substituted when proven to be hearty to this region. Minimum plant size for either list is 3 gallons:

<u>Common Name</u>	<u>Scientific Name</u>
Evergreen hollies	Ilex species
Nandina	Nandina domestica

2. Secondary list. The following shrubs have been found to be the next best suited to this area but require increased maintenance:

<u>Common Name</u>	<u>Scientific Name</u>
Abelia	Abelia grandiflora
Boxwood	Buxus sempervirens
Chinese photinia	Photinia serrulata

#### **J. Grasses.** The following grasses may be used:

Mayer Z-52 Zoysia  
 Emerald zoysia  
 Bermuda grass  
 Bermuda grass hybrids  
 Centipede  
 St. Augustine



## K. Ground Covers

1. Primary list. The following ground covers have been found to be best suited to this area and require the least amount of maintenance. This list, along with the secondary list, are those ground covers which may be planted in the required landscaping area. Additional selective ground covers may be substituted when proven to be hearty to this region.

<u>Common Name</u>	<u>Scientific Name</u>
Dwarf nandina	N. domestica "harbour dwarf"
Junipers	Juniperus species
Liriope	Liriope muscari
Memorial rose	Rosa wichuraiana
Mondo grass	Ophiopogon japonicus
Periwinkle	Vinca minor
Spreading euonymus	E. fortunei "radicans"

2. Secondary list. The following ground covers have been found to be the next best suited to this area but require increased maintenance:

<u>Common Name</u>	<u>Scientific Name</u>
Carolina Jessamine	Gelsemium sempervirens
Dwarf bamboo	Arundinaria pygmaea
English ivy	Hedera helix
Honeysuckle	Lonicera sempervirens

## L. Xeriscape Option

1. As a low maintenance option, the City encourages the use of landscaping which promotes water conservation and is drought resistant. "Xeriscape" is a planting practice that relies on minimal irrigation. Conserving resources such as fertilizer, fuels, water, labor, time and money are important elements of this. By encouraging the reestablishment of native plant communities, xeriscape uses plants adapted to specific climate conditions and locations as alternatives to or reductions of traditional turf grass areas.



2. Xeriscape has seven (7) basic principles to follow in the use of trees, shrubs, perennials and turf grasses which can be adapted to prolonged periods of drought and/or reduced watering regimens. The following steps are key to a successful xeriscape program:
  - a. Planning & Design. Develop a plan by situating and locating all the existing elements of a yard/greenspace area. Consider the conditions of view, slope, wind and light to develop a new landscape plan. Group plants with similar water and shading needs together.
  - b. Soil Analysis. Determine the soil type and identify any problem spots which may need soil improvements. Add organic matter such as peat moss or manure to enrich soils.
  - c. Appropriate Plant Selection. Plants should be appropriately selected for the area (region) they are to be used in and for their ability to withstand drought conditions and promote water conservation.
  - d. Practical Turf Grass Areas. Reduce the amount of landscape/greenspace area devoted to a grass lawn to 50 % or less. This will reduce the amount of maintenance required to irrigate and mow the area.
  - e. Efficient Irrigation. Irrigation should be grouped according to the type and condition of the plants rather than a fixed schedule. Drip watering can be used for many plants and conserves water. Limit sprinklers to grass areas only.
  - f. Use Mulches. Organic mulches minimize weed growth, reduce evaporation, slow erosion and help prevent temperature fluctuations.
  - g. Appropriate Maintenance. Proper pruning, weeding, fertilization and proper attention to the irrigation system will insure the quality of the xeriscape
3. For those residents or businesses who want to pursue xeriscape landscaping the following guidelines are suggested:
  - a. Install rain sensor “smart devices” on irrigation systems with automatic irrigation controls to conserve water when rainfall has or is occurring.
  - b. Use at least 50% native vegetation which is indigenous to Arkansas in the xeriscape design.
  - c. Adhere to the following guidelines for the percentage of xeriscaped area to



turf grass lawn areas:

1. Single family and duplex residential - A maximum of 80% turf grass lawn and minimum of 20% xeriscape for the pervious area.
2. Multi-family residential - A maximum of 60% turf grass lawn and minimum of 40% xeriscape for the pervious area.
3. Commercial, office, industrial and other developments - A maximum of 50% turf grass lawn and minimum of 50% xeriscape for the pervious area.
4. Homebuilders or developers subdividing lots or constructing new single family residential homes are encouraged to offer a xeriscape option in any series of landscaping options offered to prospective home buyers.
5. Use water conservation efficient irrigation systems. Trees, shrubs, flowers and groundcover should be irrigated with low volume drip emitters, micro-sprayers or soaker hoses. The sprinkler irrigation systems should be reserved to the turf grass lawn areas.
6. Use organic mulches such as wood chips, bark or pine straw to minimize evaporation, reduce weed growth, slow erosion and help prevent soil temperature fluctuations.
7. Group similar landscaping together according to their watering requirements to minimize overall water usage and reduce the amount of maintenance required.
8. The following trees and plants are recommended:



Drought Tolerant Shrubs		
<u>Common Name</u>	<u>Scientific Name</u>	<u>Native</u>
glossy abelia	<i>Abelia x grandiflora</i>	no
barberry	<i>Berberis</i> spp.	no
butterfly bush	<i>Buddleia davidii</i>	no
boxwood	<i>Buxus</i> spp.	no
beautyberry	<i>Callicarpa</i> spp.	yes
French hybrid ceanothus	<i>Ceanothus x delilianus</i>	yes
flowering quince	<i>Chaenomeles speciosa</i>	no
smoketree	<i>Cotinus coggygria</i>	no
yew	<i>Taxus</i> spp.	no
fuzzy deutzia	<i>Deutzia</i> spp.	no
Euonymus	<i>Euonymus</i> spp.	no
forsythia	<i>Forsythia</i> spp.	no
fothergilla	<i>Fothergilla gardenii</i>	yes
witch hazel	<i>Hamamelis virginiana</i>	yes
oakleaf hydrangea	<i>Hydrangea quercifolia</i>	yes
American holly	<i>Ilex attenuata</i>	yes
Nellie Stevens holly	<i>Ilex 'Nellie R. Stevens'</i>	no
Burford holly	<i>Ilex cornuta</i>	no
possumhaw holly	<i>Ilex decidua</i>	yes
inkberry holly	<i>Ilex glabra</i>	yes
yaupon holly	<i>Ilex vomitoria</i>	yes
Virginia sweetspire	<i>Itea virginica</i>	yes
juniper	<i>Juniper</i> spp.	some are
crapemyrtle	<i>Lagerstroemia indica</i>	no
loropetalum	<i>Loropetalum chinensis</i>	no
Oregon grape holly	<i>Mahonia aquifolium</i>	yes
leatherleaf mahonia	<i>Mahonia bealei</i>	no
southern waxmyrtle	<i>Myrica cerifera</i>	yes
northern bayberry	<i>Myrica pennsylvanica</i>	yes
nandina	<i>Nandina domestica</i>	no
Russian sage	<i>Perovskia atriplicifolia</i>	no
mock-orange	<i>Philadelphus</i> spp.	yes
ninebark	<i>Physocarpus opulifolius</i>	yes
scarlet firethorne	<i>Pyracantha coccinea</i>	no
alder buckthorn	<i>Rhamnus fragula</i>	no
Chinese sumac	<i>Rhus chinensis</i>	no
staghorn sumac	<i>Rhus typhina</i>	yes
rosemary	<i>Rosmarinus officinalis</i>	no
spirea	<i>Spirea</i> spp.	some are
tamarisk	<i>Tamarix</i> spp.	no
cranberry viburnum	<i>Viburnum opulus</i>	yes
snowball viburnum	<i>Viburnum plicatum</i>	no
blackhaw	<i>Viburnum prunifolium</i>	yes
southern blackhaw	<i>Viburnum rufidulum</i>	yes
Adam's needle yucca	<i>Yucca filamentosa</i>	yes



Drought Tolerant Perennials		
<u>Common Name</u>	<u>Scientific Name</u>	<u>Native</u>
yarrow	<i>Achillea</i> spp.	no
Arkansas bluestar	<i>Amsonia hubrechtii</i>	yes
wormwood	<i>Artemisia 'Powis Castle'</i>	no
butterfly weed	<i>Asclepia tuberosa</i>	yes
tickseed	<i>Coreopsis grandiflora</i>	yes
purple coneflower	<i>Echinacea purpurea</i>	yes
indian blanket flower	<i>Gaillardia pulchella</i>	yes
pink wand flower	<i>Gaura lindheimeri</i>	yes
baby's breath	<i>Gypsophila muralis</i>	no
daylily	<i>Hemorocallis</i> spp.	no
rock candytuft	<i>Iberis sempervirens</i>	no
lavender	<i>Lavandula</i> spp.	no
gayfeather	<i>Liatris spicata</i>	yes
black-eyed susan	<i>Rudbeckia</i> spp.	yes
blue salvia	<i>Salvia farinacea</i>	yes
lavender cotton	<i>Santolina chamaecyparissus</i>	no
sedum	<i>Sedum</i> spp.	some are
lamb's ear	<i>Stachys byzantina</i>	no

Drought Tolerant Ground Covers		
<u>Common Name</u>	<u>Scientific Name</u>	<u>Native</u>
wild ginger	<i>Asarum canadense</i>	yes
ice plant	<i>Carpobrotus edulis</i>	no
cranberry cotoneaster	<i>Cotoneaster</i>	no
hardy yellow iceplant	<i>Delosperma nubigenum</i>	no
winter creeper	<i>Euonymus fortunei</i>	no
white wood aster	<i>Eurybei divericta</i>	yes
Carolina jessamine	<i>Gelsemium sempervirens</i>	yes
cranesbill	<i>Geranium sanguineum</i>	no
St. Johnswort	<i>Hypericum calycinum</i>	no
winter jasmine	<i>Jasminum nudiflorum</i>	no
hens and chicks	<i>Jovibarba hirta</i>	no
liriope	<i>Liriope muscari</i>	no
mondo grass	<i>Ophiopogon japonicus</i>	no
Virginia creeper	<i>Parthenocissus quinquefolia</i>	yes
solomon's seal	<i>Polygonatum biflorum</i>	yes
sweetbox	<i>Sarcococca hookeriana</i>	no
hens and chicks	<i>Sempervivum</i> spp.	no
woolly thyme	<i>Thymus pseudolanuginosus</i>	no
purple heart	<i>Tradescantia pallida</i>	no
purple verbena	<i>Verbena 'Homestead Purple'</i>	
Turkish speedwell	<i>Veronica liwanensis</i>	no



Drought Tolerant Ornamental Grasses		
<u>Common Name</u>	<u>Scientific Name</u>	<u>Native</u>
big blue stem	<i>Andropogon gerardii</i>	yes
weeping love grass	<i>Eragrostis curvula</i>	yes
purple love grass	<i>Eragrostis spectabilis</i>	yes
maiden grass	<i>Miscanthus sinensis</i>	no
pink muhly grass	<i>Muhlenbergia capillaris</i>	yes
switchgrass	<i>Panicum spp.</i>	yes
little blue stem	<i>Schizachyrium scoparium</i>	yes
indian grass	<i>Sorghastrum nutans</i>	yes
Eastern gamma grass	<i>Tripsacum dactyloides</i>	yes

Drought Tolerant Turf Grasses		
<u>Common Name</u>	<u>Scientific Name</u>	<u>Native</u>
Bermuda Grass		no
Zoysia Grass		no

#### Recommended Tree Planting List

##### Small Trees (25ft or less)

Blackjack Oak - *Quercus marilandica*  
 Camellia - *Camellia japonica*  
 Ornamental Crabapple - *Malus* hybrids  
 Crapemyrtle - *Lagerstromia indica*  
 Deciduous Magnolia - *Magnolia soulangia*, *M. stellata*, *M. liliiflora*  
 Desert Willow - *Chilopsis linearis*  
 Dogwood - *Cornus florida* or *Cornus kousa*  
 Foster Holly - *Ilex x attenuata*  
 Heptacodium - *Heptacodium miconioides*  
 Japanese Flowering Cherry - *Prunus serrulata*  
 Japanese Flowering Cherry - *Prunus yedoensis*  
 Japanese Maple - *Acer palmatum*  
 Little Gem Magnolia - *Magnolia grandiflora* 'Little Gem'  
 Redbud - *Cercis canadensis*  
 Service Berry - *Amelanchier canadensis*  
 Thornless Cockspur Hawthorne - *Crataegus crusgalli* var. *inermis*  
 Trident Maple - *Acer buergerianum*  
 Vitex Chaste Tree - *Vitex incisa*  
 White Fringetree - *Chionanthus virginicus*  
 Yaupon Holly - *Ilex x vomitoria*

##### Medium Trees (60ft or less)

American Holly - *Ilex opaca*  
 Black Gum - *Nyssa sylvatica*  
 Cherry Laurel - *Prunus caroliniana*  
 Chinese Pistache - *Pistachia chinensis*  
 Golden Catalpa - *Catalpa bignonioides*  
 Golden Raintree - *Koelreuteria paniculata*  
 Honeylocust (thornless) - *Gleditsia triacanthos*  
 Japanese Pagoda Tree - *Sophora japonica*  
 Lacebark Elm - *Ulmus parvifolia*  
 Linden - *Tilia americana*  
 Loblolly Pine - *Pinus taeda*  
 Native Pecan - *Carya illinoensis*  
 Nuttall Oak - *Quercus nuttallii*  
 Persian Parrotia - *Parrotia persica*  
 Red Maple - *Acer rubrum*  
 River Birch - *Betula nigra*  
 Sawtooth Oak - *Quercus acutissima*  
 Shumard Oak - *Quercus shumardii*  
 Sweet Bay Magnolia - *Magnolia virginiana*



### **Large Trees (greater than 60ft)**

Elm (dutch elm disease resistant varieties)  
American Sycamore - *Platanus occidentalis*  
Baldcypress - *Taxodium distichum*  
Bur Oak - *Quercus macrocarpa*  
Cherrybark Oak - *Quercus falcata* var. *Pagodaefolia*  
Dawn Redwood - *Metasequoia glyptostroboides*  
Ginkgo (male varieties) - *Ginkgo biloba*  
Kentucky Coffeetree - *Gymnocladus dioica*  
Live Oak - *Quercus virginiana*  
London Plane Tree - *Platanus hybrida occidentalis x orientalis*  
Northern Red Oak - *Quercus rubrum*  
Pin Oak - *Quercus palustris*  
Southern Magnolia - *Magnolia grandiflora*  
Southern Red Oak - *Quercus falcata*  
Sugar Maple - *Acer saccharum*  
Swamp Chestnut Oak - *Quercus michauxii*  
Sweetgum (fruitless varieties) - *Liquidambar styraciflua*  
Tulip Tree (Yellow Poplar) - *Liriodendron tulipifera*  
Water Oak - *Quercus nigra*  
White Oak - *Quercus alba*  
Willow Oak - *Quercus phellos*

### **27-602-4 Architectural Design of Structures**

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**A. Purposes.** Design requirements for new construction and additions to existing commercial and office buildings shall be required in order to:

1. Protect and enhance the City of Fort Smith
2. Provide good civic design and arrangement.
3. Preserve property values of surrounding property.

**B. Applicability.**

1. The Design Guidelines apply to all new multifamily, non-residential development in residential zones, transitional, commercial, and industrial development within the City of Fort Smith. In areas where the Downtown or Belle Grove design standards apply, those standards will control over these in the case of conflict.



2. The Design Guidelines apply to existing multifamily, commercial and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.
3. Rehabilitation projects shall conform to the guidelines to the greatest extent possible.
4. Buildings in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the building will be in noncompliance with these regulations.

### **C. Transitional and Commercial Building Design Standards.**

1. Any development that contains more than one building shall incorporate a recurring, unifying and identifiable theme for the entire development.
2. The predominant (fifty-one (51) percent of the gross wall area or greater) exterior building facade of all commercial buildings must be of high quality materials such as brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS), cementitious siding (e.g., Hardie Board), tinted/textured concrete masonry units, or other siding materials as approved by the Director. Smooth-faced concrete block, plain or untextured tilt-up panels and prefabricated steel panels are prohibited as the predominant facade. Applicants with commercial development adjacent to residential development may incorporate residential materials on the side of the development that faces the residential development.
3. All facades of a building that are visible from the finished grades of adjoining properties or public streets shall have design characteristics similar to the building's front facade. This shall be implemented by requiring the same treatment as discussed in C.2 above.
4. All mechanical equipment, heating/cooling systems, trash receptacles and utility boxes shall be completely screened from adjoining properties and street right-of-way.
  - a. For ground-mounted equipment, the screening shall consist of a wall, fence, or approved landscaping or the equipment must be enclosed within a building.



- b. For roof-mounted equipment, the screening shall be architecturally incorporated into the roof design and shall consist of materials that are visually compatible with the supporting building.

5. Barbed wire, sheet metal, wood slat, split log, tarps or other nonconventional fencing material are prohibited.

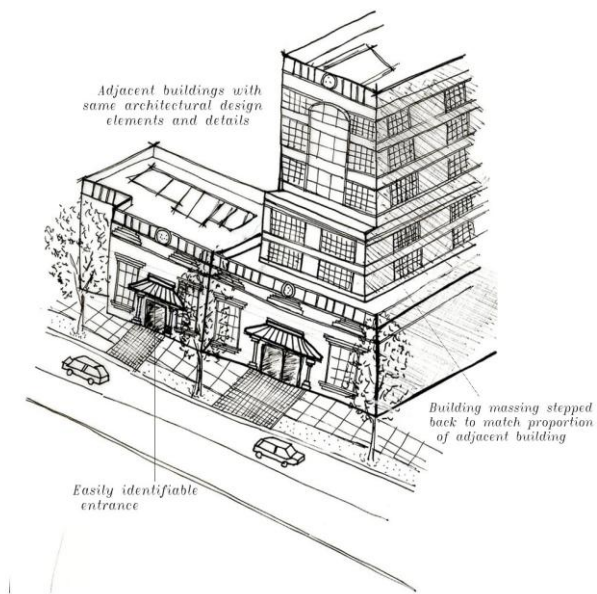
6. Transitional and Commercial Building Elements

- a. The main entrance of a building should face a pedestrian plaza or space with a direct pedestrian connection to the street.
- b. Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles
- c. Buildings should be oriented primarily to the street, with street-oriented retail or service spaces.
- d. Retail shops at street level should have direct access to and from the sidewalk.
- e. Entrances should be easily identifiable as primary points of access to buildings.
- f. Corner buildings at gateways or prominent intersections should be designed to emphasize the gateway or intersection location. This may include major architectural expression in the façade, roof form and/or massing, such as:
  - 1. larger bulk
  - 2. tower forms
  - 3. peaked roofs
  - 4. over-sized windows
  - 5. sloped parapets and appurtenances

7. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry.

8. A permanent opaque six-foot screening fence, wall or landscape buffer shall be provided along any side or rear property line adjacent to property zoned for residential purposes including alleys.





### ***Building Element Sketch - Examples***

9. Linear or strip development is discouraged, including linear open air centers.
10. Pad sites shall be clustered together to define street edges and entry points or to enclose and create interesting places between buildings, such as public outdoor seating, landscaped areas, or other focal points.
11. Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development.
12. Shared parking agreements between adjacent or closely related developments are strongly encouraged.

#### **D. Multifamily Building Standards.** The following standards shall apply to multifamily (3 or more units) development, including row house developments:

1. New building design should respect the context of adjacent residential neighborhoods, including the height, scale, mass, form and character of surrounding developments.
2. The predominant (fifty-one (51) percent of the gross wall area or greater) exterior building facade of all multifamily buildings must be of high quality materials such as brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS), cementitious siding (e.g., Hardie Board), tinted/textured concrete masonry units, or other siding materials as approved



by the Director. Smooth-faced concrete block, plain or untextured tilt-up panels and prefabricated steel panels are prohibited as the predominant facade.

3. Building Orientation. Multi-family residential structures adjacent to a public street should be sited parallel with the street to provide a traditional residential orientation, and should maintain consistent setbacks between the street and residential structures.
  - a. Along interior property lines, multifamily structures should be oriented in a more perpendicular direction to adjacent lower-density residential uses or zoning districts, or adjacent commercial or industrial uses or zoning districts. When parallel orientation is necessary, building setback from the adjacent use or district boundary shall be increased by at least 50%.
  - b. Primary structures shall be located and designed that residents can easily observe and gain entry to the common open spaces, circulation paths and access points into the development.
  - c. Buildings must not have a solid, blank façade facing the street.
4. Mass and Form.
  - a. Building design should incorporate visually heavier and more massive elements at the building base, and lighter elements above the base.
  - b. All buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes.
  - c. The façades of single family attached row homes shall be articulated to differentiate individual units.
5. Architectural Detail.
  - a. Individual buildings should have a definitive, consistent style. Various architectural styles should not be mixed in the same building.
  - b. All sides of a multifamily building shall display a similar level of quality and architectural interest.
  - c. All building entries adjacent to a collector, local residential street, or private drive with on-street parking shall be designed at a pedestrian scale.



- d. Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- e. All multifamily building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners.
- f. Windows should be located to maximize the possibility of occupant surveillance of entryways, recreation areas, and laundry areas.
- g. Wall Planes. No façade shall exceed sixty-five (65) horizontal feet. Each façade greater than sixty-five (65) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade.
- h. Balconies, Porches and Stairways. Multi-family residential structures shall provide at least seventy-five (75) percent of the total dwelling units with a minimum of one private outdoor yard, patio or balcony that consists of a minimum of six (6) feet along one dimension with a total minimum of thirty-six (36) square feet. The use of exterior staircases is strongly discouraged.
- i. Roof Design. Multi-family residential structures shall be designed to avoid any continuous roofline longer than sixty-five (65) feet. Rooflines longer than sixty-five (65) feet shall include at least one vertical elevation change of at least three (3) feet.
- j. Building Projections. All building projections, including, but not limited to, chimneys, flues, vents, gutters and down spouts, shall match the permanent color of the surface from which they project or match the building's trim color.
- k. Entrances.
  - 1. Pedestrian entry to the site from the fronting street shall be emphasized through landscaping, lighting special paving, gateways, arbors, and/or other similar features.
  - 2. Long, linear, and/or hidden stairways or corridors shall be avoided.
  - 3. Covered entrances (i.e, awnings or canopies) shall be provided as protection from bad weather and as a transition from indoor to outdoor.



6. All trash receptacles shall be completely screened with a permanent opaque screen fence. Individual trash receptacles provided by the Fort Smith Sanitation Department shall not be required to be screened.
7. Outdoor lighting shall comply with Section 27-602-5.
8. A permanent opaque six-foot screening fence, wall or landscape buffer shall be provided along any side or rear property line adjacent to property developed or zoned single family including alleys.

**E. Industrial Building Standards** The following standards shall apply to industrial, storage and distribution buildings when constructed along major arterial or boulevard streets as classified by the master street plan, or adjacent to residential districts, and/or those buildings at the perimeter of an industrial subdivision.

1. Each primary entrance for employees or visitors that faces a public street should be emphasized through the use of differing colors or materials, arches, arcades or other architectural treatments.
2. All front facades of primary structures, all facades that face a public right-of-way, and all sidewall facades within forty (40) feet of the front façade, shall be made of masonry (brick, stone and/or stucco), tilt-up concrete panels (textured or untextured), wood, native stone, tinted glass, exterior insulated finished systems (EIFS), cementitious siding (e.g., Hardie Board), or other siding materials as approved by the Director.
3. Facades of the primary structure should incorporate architectural relief through the use of at least two of the following tools: reveals, visible joint patterns, projected sills, belt courses, repeating brick header and stretcher courses, or differing colors and textures.
4. All primary structures with roofs with a pitch of less than 2:12 shall be screened by a parapet wall or fascia.
5. All trash receptacles shall be screened with a permanent opaque screening fence.
6. Outdoor lighting shall comply with Section 27-602-5.
7. Outdoor storage.

a. Industrial-1 (I-1):

1. Areas used for outdoor storage or display shall be maintained so that excessive dust, fumes or odors will not be produced by continued use.



2. Buffering, landscape, and fence screening shall be required when abutting residentially zoned properties. The minimum buffering requirements shall consist of a six-foot high screen fence, landscaping (trees, shrubs, and groundcover,) or a berm. All buffer areas shall be a minimum of ten (10) feet in width. The Planning and Zoning Department shall approve location, size, plant species, and number. The buffering shall be in addition to minimum open space requirements.

3. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry

b. Industrial-2 (I-2):

1. Outdoor storage of equipment materials or merchandise not actively offered for sale shall be surrounded by a sight-proof screen which restricts their view from the public.

2. Areas used for outdoor storage or display shall be maintained so that excessive dust, fumes or odors will not be produced by continued use.

3. Buffering, landscape, and fence screening shall be required when abutting residentially zoned properties. The minimum buffering requirements shall consist of a six-foot high screen fence, landscaping (trees, shrubs, and groundcover,) or a berm. All buffer areas shall be a minimum of ten (10) feet in width. The Planning and Zoning Department shall approve location, size, plant species, and number. The buffering shall be in addition to minimum open space requirements.

4. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry.

c. Industrial-3 (I-3):

All permitted uses shall conform to the following specific regulations as well as the bulk and area regulations of this zone.

1. All such uses shall be completely enclosed by an eight-foot high opaque screen. Alternate fencing



materials may be substituted for an opaque fence on the rear and side of the site when the use abuts an I-3 zone and the portion may not be seen from a public street or road. The determination shall be made by the building official.

2. Fences adjacent to street rights-of-way shall be erected under the following guidelines:
  - a. Entrances to fenced areas which are adjacent to arterial or collector streets, where an entrance is provided from such street, must be setback sixty (60) feet from such right-of-way.
  - b. Fences adjacent to local, collector or arterial streets where no entrance is provided from such street may be located on the property line adjacent to such right-of-way.
  - c. No fence or screening device shall be erected so as to obstruct the vision of motorists at alley, street or driveway intersections.
  - d. The storage or display of goods or merchandise outside the confines of the fenced area is expressly prohibited.
  - e. No junk, parts, disabled autos or salvage material of any kind shall be stored outside or above the fence.
3. The burning of wrecked or discarded automobiles or any parts thereof is prohibited.
4. All signage shall meet Section 27-704, however, in no case shall any provisions of this chapter be interpreted to permit the use of discarded, disabled, or wrecked automobiles, trucks, equipment, appliances, or parts to be used for advertising or identification purposes.
5. Whenever an owner or representative of a nonconforming use under this section applies for and is granted I-3, heavy industrial zoning, he shall have



a period not to exceed six (6) months to bring the use into complete conformity with the provisions of this section.

6. All areas unoccupied by buildings, parking lots or used as traffic ways shall be maintained in a safe and orderly condition.
7. Areas used for outdoor storage or display shall be maintained so that excessive dust, fumes or odors will not be produced by continued use.
8. Buffering, landscape, and fence screening shall be required when abutting residentially zoned properties. The minimum buffering requirements shall consist of a six-foot high screen fence, landscaping (trees, shrubs, and groundcover,) or a berm. All buffer areas shall be a minimum of ten (10) feet in width. The Planning and Zoning Department shall approve location, size, plant species, and number. The buffering shall be in addition to minimum open space requirements.
9. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry.

## **27-602-5 Commercial and Outdoor Lighting**

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- A. Purpose.** The City of Fort Smith finds that the regulation of outdoor lighting is necessary to prevent misdirected or excessive artificial light caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light) and/or unnecessary skyglow; and also that such regulation is necessary to discourage the waste of electricity and to improve or maintain nighttime public safety, utility, and security.
- B. Requirements.** All outdoor lighting fixtures installed and thereafter maintained, other than those serving one and two family dwellings, shall comply with the following requirements:
  1. Where used for security purposes or to illuminate walkways, roadways, and parking lots, only shielded light fixtures shall be used.



2. Where used for commercial and industrial purposes, such as in merchandise display areas, work areas, platforms, signs, architectural, landscape, or sports/recreation facilities, all light fixtures shall be equipped with automatic timing devices and comply with the following:
  - a. Light fixtures used to illuminate flags, statues, or any other object mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light that will not extend past the illuminated object.
  - b. Other upward directed architectural, landscape or decorative direct light emissions shall have at least 90% of their total distribution pattern within the profile of the illuminated structure.
  - c. Recreational and sports facility lighting shall be shielded whenever possible. Such lighting shall have directional and glare control devices, when necessary to comply with the following section.
  - d. Externally illuminated signs including commercial billboard, building identification or other similar illuminated signs shall comply with the following:
    1. Top mounted light fixtures that are shielded;
    2. When top mounted fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.
  - e. All other outdoor lighting shall use shielded light fixtures.
3. All floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.

**C. Light Trespass.** All light fixtures, except street lighting and those used on one or two family dwellings, shall be designed, installed, and maintained to prevent light trespass, as specified below:

1. At a height of five feet above the property line of the subject property, illuminations from light fixtures shall not exceed 0.1 foot candles in a vertical plane on residentially zoned property.
2. Outdoor light fixtures properly installed and thereafter maintained shall be directed so that there will not be any objectionable direct glare source visible from any property. Light fixtures near adjacent property may require special shielding devices to prevent light trespass.



- D. Illuminance and Luminance Requirements.** Illuminance and luminance requirements shall be as set forth in the current edition of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
- E. Outdoor Lighting Energy Conservation.**
1. All outdoor lighting not necessary for security purposes shall be reduced, activated by motion sensor devices, or turned-off during non-operating hours. Illuminated signs are excluded from this requirement.
  2. All lighting shall be designed to prevent misdirected or excessive artificial light and to maximize energy efficiency.

<b>27-603</b>	<b>Access Management</b>
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**27-603-1 Generally**

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- A. The Fort Smith Engineering Department shall administer the Access Management standards and regulations.
- B. The preliminary subdivision plat or development plan must identify the location of proposed driveways in conformance with these regulations. No additional driveways may be identified as part of the final plat process. Compliance with these provisions for infill or redevelopment will be determined on a case-by-case basis.

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**27-603-2 Driveway Separation Standards**

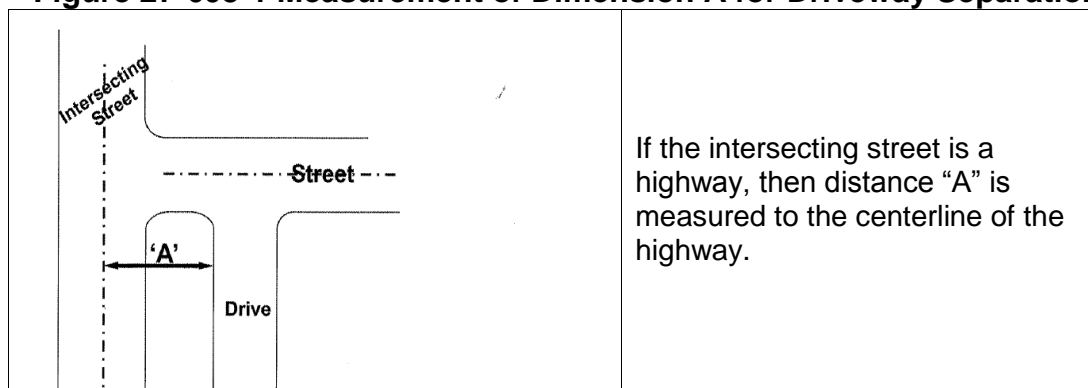
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- A. Driveway access must conform to the specifications outlined in Table 27-603-1A (Minimum Separation Between Driveways and Street Intersections) and Table 27-603.1B (Minimum Separation Between Adjacent Driveways). For purposes of measuring driveway separation, the separation standards apply to driveways on lots adjacent to the subject lot as well as to those on the subject lot itself.
- B. Offset driveways must be spaced at a sufficient distance from other driveways to allow for safe and efficient traffic flow.
- C. The preliminary subdivision plat and development plans must include information regarding existing driveways for adjacent and opposite sides of street properties.
- D. Where necessary for the safe and efficient movement of traffic, driveway access points must be limited to restricted turning movements (e.g. right turns only).



- E.** A minimum separation between driveways and street intersections must be measured as indicated in Figure 27-603-1, Dimension 'A' for Driveway Separation and as noted in Table 27-603-1A (Minimum Separation Between Driveways and Street Intersections) or Table 27-603-1B (Minimum Separation Between Adjacent Driveways).

**Figure 27-603-1 Measurement of Dimension A for Driveway Separation**



- F.** Driveways must be located as far as possible from intersections.
- G.** Shared driveways are permitted and encouraged.
- H.** Existing driveway access points must be redesigned where needed to safely control traffic flow, unless the redesign would deny the landowner reasonable access.
- I.** Common driveways may be constructed for the joint use of adjoining properties. Documentation of the existence of common rights to driveway access (cross access agreements) is required and must be submitted either with the plat or the rezoning request.
- J.** Directional driveways that restrict the movement of traffic to right-turn-only or left-turn-only are required where needed to provide traffic safety.
- K.** No driveways will be permitted in areas designated as "Limits of No Access" by either the Arkansas Highway and Transportation Department or by plat.
- L.** Access separation between a driveway and an intersection shall be measured from the nearest edge of the driveway to the intersecting street centerline, except for freeways.
- M.** Spacing from freeways is measured from the centerline of the nearest freeway ramp or frontage road right-of-way line (see minimum separation (dimension 'A'



standards in Table 27-603-1A, Minimum Separation Between Driveways & Intersections).

- N.** Separation between driveways is from the inside edge to inside edge of the driveway (see Table 27-603.-1B, Minimum Separation Between Adjacent Driveways).

**Table 27-603-1A Minimum Separation between Driveways and Street Intersection (Dimension A in feet)**

Intersecting Street	Street on which driveway is to be located (See dimension 'A')						
	Freeway frontage road	Boulevard	Major Arterial	Minor Arterial	Industrial	Major Collector	Residential Collector
Freeway frontage road*	N/A	200	200	200	200	200	230
Boulevard	250	250	170	170	170	150	150
Major Arterial	250	250	170	170	170	150	150
Minor Arterial	250	250	170	170	170	140	140
Industrial	235	235	155	135	135	115	135
Major Collector	235	185	135	125	125	95	95
Residential Collector	230	185	130	120	120	95	95

\* Measured from the frontage road right-of-way

**Table 27-603-1B Minimum Separation between Adjacent Driveways (in feet)**

Residential Street	Freeway frontage road	Boulevard	Major Arterial	Minor Arterial	Industrial	Major Collector	Residential Collector
100**	200	300	200	150	100	125	100**

\*\* Excludes permitted uses in residential zoning districts

Adjacent driveway separation is measured from driveway inside edge to inside edge.

### **27-603-3 Intersection Design**

- A. Generally.** All driveways and access facilities shall be designed to meet the grade, alignment, pavement, and channelization standards and other specifications prescribed by adopted City standards.
- B. Two-Way Driveways**



1. The intersection of a two way driveway shall intersect any arterial in a 90° angle.
2. The corner radius of a 90° driveway shall be at least 10 feet. However, residential driveways on residential or collector streets shall have a minimum radius of 5 feet.
3. A minimum sight distance for vehicles egressing a driveway to an arterial shall be based on the 85<sup>th</sup> percentile speed of the roadway and the distance shown in Table 27-603-3-A. The sight distance shall be measured as follows:
  - a. from a point on the driveway at least 15 feet from the edge of the arterial street pavement, and
  - b. from a height of eye of three and one-half (3.5) feet on the driveway to a height of object of four and one-half (4.5) feet on the arterial street.

**Table 27-603-3-A**

Speed	Intersection Sight Distance	
	x Distance Desirable (feet)	x Distance Minimum (feet)
15	145	80
20	195	115
25	240	155
30	290	200
35	335	250
40	385	305
45	430	360
55	530	495
60	575	570
65	625	645

### **C. One-Way Driveways**

1. One-way egress driveways shall conform to the sight distance requirements in subsection (b)(3), above.
2. One-way egress driveways of less than 90° egress may be required by the City Engineer where it is determined that is in the interest of the health, safety, and general welfare of the public.



**A. Residential Access**

1. Access to residential lots in a Mixed Use District may be made from rear-access private driveways as provided below. If access is from a private driveway, the driveway shall not exceed sixteen (16) feet in width at any point between the sidewalk line and the rear of the Principal Building. A walkway with a minimum width of three (3) feet shall extend from the sidewalk to the front entry.
2. Rear-access private driveways shall be paved and maintained by a homeowners association.
3. Where rear-access private drives are used for residential access, the applicant may request an adjustment to the front yard setback of up to 20% decrease in size.

**B. Non-Residential Access**

Access to non-residential lots in a Mixed Use District may be from a rear-access private drive or common parking areas.



## **27-700      General Standards**

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27-701	Large and Small Domestic Animals
27-702	Mobile Home Parks
27-703	Commercial Communication Towers
27-704	Signs
27-705	Pistol Range (Indoor)
27-706	Day Care Homes



<b>27-701</b>	<b>Large and Small Domestic Animals</b>
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**27-701-1 Exotic Animals.**

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Except as maintained by professional handlers, exotic animals are prohibited in the City of Fort Smith. These animals are defined as any or all of the following animals, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. It is not the intent of this section to include domesticated species such as, horses, cows, sheep, or llamas of the animals listed below. The words in parentheses are intended to act as examples only and are not to be construed as being an exhaustive list or to otherwise limit the generality of each group of animals:

- A. Non-human primates and prosimians (such as chimpanzees, monkeys);
- B. Felids, except domesticated cats;
- C. Canis, including wolf hybrids and except domesticated dogs;
- D. Ursids (bears);
- E. Elephants;
- F. Marine mammals (such as seals, sea lions, dolphins, otters);
- G. Crocodilians (such as alligators and crocodiles);
- H. Marsupials (such as kangaroos and opossums);
- I. Ungulates (such as hippopotamus, rhinoceros, giraffe, camel, zebra, deer);
- J. Hyenas;
- K. Mustelids (such as skunks, weasels, otters and badgers);
- L. Procyonids (such as raccoons and coatis);
- M. Edentates (such as anteaters, sloth and armadillos);
- N. Viverrids (such as mongooses, civets, and genets);
- O. Camels; and
- P. Cetaceans (whales).

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**27-701-2 Large Domestic Animals**

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Large domestic animals such as horses, cattle, goats, sheep and donkeys (full sized or miniature) may be kept on lots affording continuous and unimpeded use of not less than one (1) full acre, not including habitable structures, in area for each animal, provided:

- A. That such keeping of livestock is for personal use only and not for commercial purposes except as shown on the Land Use Matrix in Chapter 27-400.
- B. That no structure for retail sales of such livestock is maintained on the premises.
- C. That such keeping is not prohibited by other ordinances or by restrictive covenants.



- D. That when an animal produces offspring they can remain with their mother for not more than twelve (12) months without being in violation of this chapter.
- E. That this section shall not be enforced for a period of twelve (12) months following its original adoption and publication so that those affected may have notice and ample time in which to comply.
- F. That when new territory is brought into this zone by the Planning Commission the same twelve (12) month non-enforcement period shall apply from date of the zoning order of the Planning Commission.
- G. The existence of a health hazard as defined by the City of Fort Smith- Sebastian County Health Department shall be cause for immediate abatement of the existing conditions.

### **27-701-3 Small Domestic Animals**

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Small domestic animals, including household pets (not including pot-bellied pigs; please see other regulations for chickens and rabbits), may be kept according to the following conditions:

- A. No other ordinance of the city prohibits such use.
- B. The number of such animals is confined to reasonable size so as to be compatible with conditions of the zone in which they are kept. The intent of this section is to recognize that a nuisance may be caused in a more densely occupied area by the keeping of a number of small animals but that the same condition may not cause nuisance to adjacent property owners in a less densely occupied area.
- C. No prevailing noises or odors which would constitute a nuisance at common law shall be allowed.
- D. The existence of a health hazard as defined by the City-County Health Department shall be cause for immediate abatement of the existing conditions. See also Fort Smith Municipal Code, Chapter 4, Animals.
- E. No keeping or raising of small domestic animals for commercial purposes or retail sales shall be allowed in residential zones.
- F. For swine, including pot bellied pigs, see Chapter 4-5 of the Fort Smith Municipal Code.
- G. For poultry see Chapter 4-8 of the Fort Smith Municipal Code.



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**27-702-1 Location**

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Mobile home parks may be located in any zoning district where Mobile Home Park is identified as a permitted use on the Land Use Matrix.

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**27-702-2 Site plan**

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Prior to the issuance of a license as required by Chapter 13, Article III, a preliminary development plan showing all requirements shall be submitted to the Director for approval.

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**27-702-3 Supervision**

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The licensee, permittee, or a duly authorized attendant or caretaker, shall be in charge of keeping the mobile home park, its facilities and equipment in a clean, with orderly and sanitary condition at all times. The attendant or caretaker shall be answerable, along with the licensee or permittee, for the violation of any provision of this division to which the licensee or permittee is subject.

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**27-702-4 Wall**

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Where any boundary of a mobile home park directly abuts property which is improved with a permanent residential building or directly abuts unimproved property that is, under existing laws and regulations used for permanent residential building construction, a wall, solid fence, or hedge screen with a minimum height above finish grade of six (6) feet shall be provided.

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**27-702-5 Drainage**

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The mobile home park shall be located on a well-drained site that is properly graded in order to ensure rapid drainage and stay free from stagnant pools of water.

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**27-702-6 Size of spaces**

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Each mobile home park shall provide mobile home lots, and each such lot shall be clearly defined or delineated. Each lot shall have a minimum depth of sixty (60) feet and width of not less than forty (40) feet.

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**27-702-7 Placement of homes**

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Mobile homes shall be so located on each space so that there will be at least a twenty-foot clearance in all directions between mobile homes or buildings within the mobile home park. No mobile homes shall be located closer than ten (10) feet to any property line of the park that does not abut a public street or highway. No mobile home park shall be located closer to any property line of the park which abuts a public street or highway within twenty-five (25) feet or such other distance as may be established by ordinance or regulations as a front yard or setback requirement, with respect to conventional buildings in the zone in which the mobile home park is located.

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**27-702-8 Curb and gutter roadway required**

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All mobile home park lots shall abut upon a curb and gutter roadway of not less than twenty-two (22) feet in width, and shall have unobstructed access to a public street or highway.

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**27-702-9 Illumination of driveways, walks**

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All roadways and walkways within the park are required to be hard surfaced and have area lighting at all roadway intersections and at three hundred (300) feet intervals along all roadways and walkways. The minimum size for lamps shall be one hundred seventy-five (175) watts mercury vapor or equivalent.

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**27-702-10 Electrical Services**

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Electrical services shall be constructed in accordance with the currently adopted City electrical codes.

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**27-702-11 Water supply**

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An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home lots within the park to meet the requirements. Each mobile home space shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for bathing, washing and cleansing facilities.

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**27-702-12 Sanitation facilities**

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Each mobile home park shall provide sanitation facilities in compliance with the rules and regulations pertaining to mobile home and travel trailer parks as adopted by the state board of health.

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**27-702-13 Specifications of service buildings**

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- A. Service buildings housing sanitation facilities shall be permanent structures which comply with all applicable ordinances and statutes to regulate buildings, electrical installations and plumbing sanitation systems.
- B. The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture proof material, which may be painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit during the period from October first to May first. The floors of the service buildings shall be of water-impervious material.
- C. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

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**27-702-14 Sewage and refuse disposal**

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- A. Water from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable provisions of this Code and City Ordinances or into a private sewer and disposal plant system of such construction and in such manner as will present no health hazard.
- B. Each mobile home space shall be provided with a sewer at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant system of such construction and in such manner as will present no health hazard. Plans for construction of sewage disposal and/or treatment facilities shall be approved by the State Board of Health and the City.

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**27-702-15 Fire protection.**

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Every mobile home park shall be equipped at all times with fire extinguishing equipment and hydrants in good working order of such type, size, number and location within the park as to satisfy applicable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

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**27-702-16 Parking space.**

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Each mobile home space shall have a minimum of two (2) off roadway parking spaces at a dimension of ten (10) by twenty (20) feet, all weather parking spaces.

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**27-702-17 Open or recreational area.**

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Not less than five (5) percent of the gross site area of the mobile home or recreational vehicle park, shall be devoted to recreational facilities, generally provided in a central location. In large parks this may be decentralized. Recreational areas may include space for community buildings and community use facilities such as adult recreations, child play areas, and swimming pools, but not include vehicle parking areas. When playground space is provided, it shall be so designated and protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

<b>27-703 Commercial Communication Towers</b>
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**27-703-1 Purpose**

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The purpose of these regulations is described as follows:



- A. Minimize the adverse effects and impact of towers through careful design, siting and screening;
- B. Conserve the value of adjacent land and buildings;
- C. Avoid potential damage to adjacent properties through engineering and careful siting of tower structures; and
- D. Maximize the use of existing towers in order to reduce and minimize the number of towers needed.

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**27-703-2      Approved Tower Locations (zoning districts)**

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As defined herein, commercial communication towers are prohibited within any public right-of-way, utility easement or residential, or C-1 and C-2 zoning districts unless granted by conditional use permit. Such uses are allowed by right within the C-3, C-4, C-5, C-6, I-1, I-2, and I-3 zoning districts subject to applicable zoning restrictions as well as the following restrictions set forth herein.

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**27-703-3      Ownership**

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The proposed location for the tower must be large enough to accommodate the communications tower and support facilities, and must include access to a public right-of-way or accessible parking area. Purchase or ownership of a separate parcel may require platting and improvements before construction permits can be issued.

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**27-703-4      Construction**

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In order to minimize visual impacts and possible damage that can result from the presence of such facilities, towers (including attached antennae) are limited to monopole construction and shall not exceed two hundred (200) feet in height. Compliance with all requirements of the City of Fort Smith Building Code, including a licensed engineer's structural certification of the tower structure and foundation, must be demonstrated before a building permit will be issued.

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**27-703-5      Setback**

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All commercial towers must meet the minimum setbacks for the zoning districts in which they are located. Additionally, commercial towers must be set back from any residential structure a number of feet equal to that distance stated by the tower manufacturer's registered structural engineer's determination of the maximum possible fall zone for the tower. The structural engineer shall be licensed in the state.

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**27-703-6      Appearance**

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No lights, signals or illumination shall be permitted on any tower unless required by the Federal Communication Commission (FCC), Federal Aviation Administration (FAA), or other federal, state, or city agency. No commercial advertising, signage or



flags shall be allowed on any tower. This shall not prevent the joint use of a legal existing sign structure as a support mechanism for antennae or microwave dishes. Towers and accessory facilities must be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC, FAA, or other federal, state, or city agency. The applicant may be required to disguise, conceal or camouflage a tower and/or antenna to ensure compatibility with the surrounding area.

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**27-703-7 Site Design**

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The area containing the monopole, accessory and support structures, and the immediate surrounding area utilized for servicing of the communication tower shall be secured by a minimum eight-foot height chain-link fence. The area within the fence must be either paved or graveled and kept weed-free. Other than the street side of the site, any side that faces any residential use shall include opaque fencing or sufficient shrubs to screen the site. Any shrubbery provided will be planted and maintained within the next appropriate growing season. If security lighting is installed, such light should be directed downward within the site and only triggered by motion detectors.

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**27-703-8 Co-location**

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To minimize tower proliferation, each applicant proposing to construct a commercial communication tower shall with the building permit or conditional use permit application submit a statement of the following in writing:

1. Whether any tower or suitable structure exists, within the geographic area to be served by the proposed new tower, which meets the applicant's engineering requirements;
  2. Whether existing towers or suitable structures are of sufficient height to meet the applicant's engineering requirements;
  3. Whether existing towers or suitable structures have sufficient structural strength to support applicant's proposed antenna and related equipment;
  4. Whether the fees, cost, and/or contractual provisions required by the owner of an existing suitable site for co-location of the applicant's antenna are commercially reasonable; and
  5. Other significant limiting factors make existing towers or structures unsuitable for co-location of the proposed antenna.
- A.** The permit issuing agent of the city shall utilize the submitted information, together with other available information, to determine whether co-location may be waived and a new commercial communication tower be authorized for construction.
- B.** The decision of the agent of the City concerning co-location may be appealed to the Planning Commission. Any interested party may file an appeal provided that



the appeal is filed with the planning commission by 5:00 p.m. on the tenth calendar day following the date of the decision by the agent. A fee in the amount established by the board of directors is required for filing an appeal.

- C. Antennae may be placed wholly within or upon any building located within a commercial or industrial zoning district as permitted in section 27-402, or any publicly owned building, provided any supporting equipment is screened from nearby residential districts. A commercial antenna may be mounted to the exterior of such buildings if integrated into the overall architectural design of the building. Roof mounted antennae may not extend more than twenty (20) feet above the highest point of the roof structure, and provided any supporting equipment is screened from nearby residential districts. A commercial antennae may be attached to any utility structure (such as a water tower or electrical transmission tower) or to a public building not located in a street right-of-way and owned by a government or public agency, provided that the antennae does not extend more than twenty (20) feet above the height of the structure, provided any supporting equipment is screened from nearby residential districts. At the time a building permit is issued, the Planning and Zoning Department may notify all existing telecommunication providers of the opportunity for co-location. Notice of a desire to co-locate shall be given within sixty (60) days of the receipt of said notice.
- D. To further minimize tower proliferation, the city states its intention to consider the providing of properties owned or controlled by the city as sites for co-location of commercial communication towers. Any person desiring to locate a commercial communication tower on property owned or controlled by the city may make application for co-location by submitting the request with the following information to the city administrator, or administrative officials of the city designated by the city administrator.
  - 1. A description of the facility proposed to be located on city-owned or controlled property with all information required by this section of chapter 27 of the Fort Smith Code; and,
  - 2. The identity of city owned or controlled property as to which co-location is required or, in the alternative, a request that the city administrator examine and provide potential co-location sites within any geographically described area by the applicant.

Within forty-five (45) days of receipt of such application, the city administrator, or his designated agent, shall determine the availability of potential co-location sites on city owned or controlled property. The city administrator will make that determination after evaluating the effect that co-location would have on the purpose for which the city owns or controls the subject property. The administrator shall, within that time period, identify in writing any potential co-



location sites available for co-location and shall identify required installation procedures, operating procedures, liability insurance and compensation factors involved in the co-location. If the applicant concurs in the potential use of any co-location site identified by the city administrator, the proposed arrangement for co-location shall be placed in writing and submitted to the governing body of the city for approval or rejection.

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**27-703-9 Traffic and Parking**

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Vehicular access to the tower site shall be limited to a major street if the site adjoins both a major street and a local street. If the tower site contains on-site personnel, at least one (1) space shall be provided for each two (2) on-site personnel plus one (1) additional space.

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**27-703-10 Application (submittal) Requirements**

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A building permit is required for any new tower construction, tower addition, or tower alteration. A structural engineer's structural certification is required for any construction, addition or alteration to a tower structure. A building permit is required for the addition or relocation of any antenna or equipment on a tower. The City's Building Department may request certification by a registered engineer that the requested action on any antenna or equipment will not cause the certified structural loading of the tower to be exceeded.

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**27-703-11 Exemption**

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An antenna and tower for the following uses are exempt from these requirements and are permitted uses in any district if accessory to a permitted use and if they comply with the applicable regulations of the district in which they are situated:

1. Ham radios;
2. Citizen band radios; and
3. Radio, television receiving and broadcasting.

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**27-703-12 Conflict with FCC or FAA Regulations**

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In the event there is a direct conflict between these regulations and Federal Communication Commission (FCC) regulations or Federal Aviation Administration (FAA) regulations, or any other federal or state regulations, said regulations shall govern.

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**27-703-13 Abandoned Facilities**

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At such time that the tower ceases to be used for communication purposes for a period exceeding twelve (12) consecutive months, the owner shall dismantle and completely remove the tower and all associated equipment from the property and make all reasonable efforts to return the property to its prior condition.



#### **27-703-14 Variances**

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The Board of Zoning Adjustment shall hear request for variances from the literal provisions of the zoning chapter in accordance with the requirements set forth in Chapter 27-300 of these regulations. The denial of a variance request shall be in writing and supported by substantial evidence in a written record.

#### **27-703-15 Annual action plan submittal**

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On or before January 15 of each new year, all telecommunication providers which are not expressly exempted by other provisions of this section shall, on a good faith basis, forecast the number of improvements and/or installations planned with the City within the ensuing twelve (12) consecutive months.

The information shall be submitted to the City Planning Department. The information obtained from all companies shall be analyzed and compared as to redundancy or geographic duplication of facilities. Where it is determined that a potential for co-location exists, the affected companies will be contacted and a meeting shall be arranged for the purpose of plan review.

The City acknowledges that some or all of the data and information to be provided on an annual basis to the City by the telecommunication providers may contain confidential information in which the respective provider has a proprietary interest. The City also acknowledges that such information or data, if disclosed, might give some advantage, economic or otherwise, to the provider(s) competitor(s). Consequently, the City agrees that its Board of Directors, administration staff and employees will maintain the confidentiality of such information or data to the fullest extent possible under the federal and/or Arkansas Freedom of Information Acts.

If no capital facilities expansion is planned for the coming year, a letter to that effect shall be submitted to the City Planning Department.

#### **27-703-16 Permit construction time line**

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Upon approval of a conditional use permit, a building permit and/or variance permit, construction must begin within one (1) year or the permit shall be null and void. An applicant requesting an extension of their permit may submit a revised construction schedule to the planning department within the one (1) year period, with said extension not to be unreasonably withheld.

### **27-704 Signs**

#### **27-704-1 Permitted business signs in residential zones**

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The following types of signs are permitted or prohibited in the following designated residential zones:

- (1) Single-family duplex districts:
  - a. Temporary real estate and construction signs, not exceeding one (1) square foot in area for each ten (10) feet of frontage;
  - b. Daycare home: No sign permitted;
  - c. Residential accessory uses: No sign permitted;
  - d. Home occupations: No sign permitted.
- (2) Multi-family dwellings districts:
  - a. Temporary real estate and construction signs, not exceeding one (1) square foot in area for each ten (10) feet of frontage;
  - b. Daycare home: No sign permitted;
  - c. Residential accessory uses: No sign permitted;
  - d. Home occupations: No sign permitted;
  - e. Development identification signs, free-standing: One (1) sign per frontage not to exceed twenty-four (24) square feet per sign;
  - f. Development identification signs, facade: One (1) sign per each frontage wall not to exceed one (1) percent of wall area.
- (3) Public buildings, adult daycare, semi-public buildings, public libraries, fire and police stations, museums, community centers, nursing and convalescent homes, clubs and lodges, dormitories, churches, rectories, monasteries, public, private and parochial schools, convents:
  - a. All free-standing signs shall not exceed a cumulative total of fifty (50) square feet; and
  - b. Facade (wall) signs shall not exceed five (5) percent of the outside wall on which the sign is located.
- (4) Communication towers, utility substations:
  - a. Signs shall not be permitted on tower or monopole structures.



- b. Signs required for public health and safety or identification may be displayed on security fencing if placed in conformity with section 27-704-5.
- (5) Subdivisions, developments signs: Two (2) signs per entrance, Signage shall not exceed twenty-four (24) square feet in area per sign.  
(Ord. No. 3391, as amended, § 10-10(B), 11-1-76; Ord. No. 64-99, § 2, 10-5-99)

## **27-704-2 Permitted business signs in transitional zones**

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The following types of signs are permitted and the following regulations shall apply to all signs in transitional zones:

- (1) Flat, single-faced signs may be mounted directly on the facade of a structure, provided that the total sign area does not exceed five (5) percent of the building facade area (building elevation area) as measured from the adjacent street right-of-way.
- (2) Pedestal or monument type signs are permitted and shall conform to the following regulations:
  - a. Such signs, if illuminated, shall be illuminated with indirect lighting only;
  - b. The maximum size of a pedestal or monument sign for a lot or parcel fronting on any local street, identified from time to time by the City of Fort Smith Master Street Plan, shall not exceed twelve (12) square feet;
  - c. The maximum size of a pedestal or monument sign for a lot or parcel fronting on any collector street and arterial street, identified from time to time by the City of Fort Smith Master Street Plan, shall be based upon the length of lot or parcel frontage as outlined as follows:

TABLE INSET:

Frontage Length	Maximum Signage Area
0--99 ft.	18 sq. ft.
100--199 ft.	24 sq. ft.
200 ft. or greater	32 sq. ft.

- d. If directional sign(s) are utilized within a development on a lot or parcel, the size of the directional signage shall be considered as part of the maximum sign area for the lot or parcel which contains the directional sign(s) and shall



cause the allowable pedestal or monument sign area to be reduced by the amount of directional signage area.  
(Ord. No. 3391, as amended, § 10-10(C), 11-1-76; Ord. No. 49-92, §§ 1, 2, 8-4-92; Ord. No. 60-95, § 1, 9-5-95)

### **27-704-3 Permitted signs in open, commercial and industrial zones**

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The following types of signs are permitted in open, commercial or industrial zones.

- (1) All free-standing signs shall not exceed one (1) square foot in area per linear foot of frontage with a maximum area not to exceed three hundred (300) square feet.
- (2) All single face, facade (wall) signs are unlimited in size if placed directly on and are contained totally within the dimensions of the outside wall.
- (3) Outdoor advertising signs shall comply with section 27-704-4.

(Ord. No. 3391, as amended, § 10-10(D), 11-1-76; Ord. No. 64-99, § 3, 10-5-99)

### **27-704-4 Outdoor advertising signs**

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- (a) Outdoor advertising signs are to be considered as a specific use, rather than an incidental use to an existing land use, in that outdoor advertising signs produce a revenue to the property owner as a land use while the advertising message carried by business signs does not produce a revenue but is incidental to a revenue-producing land use. Because of the special characteristics of outdoor advertising signs as compared with other types of land uses and structures, certain qualifications and requirements are set forth below in connection with outdoor advertising signs as a permitted use.
- (b) Outdoor advertising signs are permitted in all Industrial zones, Commercial-4 zones, Commercial-5 zones, ETJ Industrial Light zones, and ETJ Industrial Moderate zones. They may be permitted in ETJ Open-1 zones by the planning commission's approval of a Conditional Use request.
- (c) No outdoor advertising sign structure of any size shall be permitted to be erected closer than one thousand (1,000) feet from an existing outdoor advertising sign structure which is larger than thirty-five (35) square feet in sign area. No more than four (4) outdoor advertising sign structures (over thirty-five (35) feet in area) per statute mile are permitted. All distances between two sign



structures or between any four (4) outdoor advertising sign structures, irrespective of which side of the right-of-way one (1) or more of the four (4) structures may be located, shall be measured along a line parallel to the right-of-way and from the centers of the closest support poles.

- (d) No outdoor advertising sign shall be permitted to be erected closer than two hundred fifty (250) feet from any residentially zoned or developed property. The distance shall be measured from the property line of the residentially zoned or developed property closest to the subject sign to the center of the nearest support pole of the sign.



- (e) Within six hundred sixty (660) feet of the right-of-way of an interstate highway, no outdoor advertising sign structure designed to be primarily viewed from the roadway of such interstate highway shall be permitted to be erected closer than five hundred (500) feet to any other such sign structure on the same side of the right-of-way, as measured along a line parallel to such highway, and from the centers of the closest support poles.
- (f) No outdoor advertising sign (whether static or digital) shall be permitted to be erected with a sign area in excess of three hundred (300) square feet along non-interstate streets nor to be erected with a sign area in excess of three hundred seventy-eight (378) square feet on interstates. Sign area in excess of three hundred seventy-eight (378) square feet but not to exceed six hundred seventy two (672) square feet along interstates may be allowed by the planning commission's approval of a Conditional Use request so long as an equivalent or greater amount of sign square footage is deleted by the loss of one or more of the applicant's sign credits in the sign bank. Consistent with the definition of "sign area" in Section 27-200, a deletion of sign area footage is not accomplished by removal of only one face of a double faced or V-type advertising sign.
- (g) Outdoor advertising signs may be erected with a static face or with a digital face, provided the sign complies with all provisions applicable to outdoor advertising signs and the following.
  - (1) For permitted structures containing a digital face, only one digital face shall be allowed per facing, and the digital face shall be the only sign allowed on that facing;
  - (2) Electronic message changes must be accomplished within a time interval of two (2) seconds or less;
  - (3) The message or image on a digital face must remain static for a minimum of eight (8) seconds;
  - (4) Digital faces shall contain a default design that will freeze the message in one position if a malfunction occurs;
  - (5) Signs that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, including animated parts or scrolling messages or images, are prohibited, with the exception of those giving public service



information such as time, date, temperature, and weather and/or similar information approved in writing in advance by the City Administrator or the Administrator's designated agent;

(6) There shall be no appearance of a visual dissolve or fading in which any part of one electronic message/display appears simultaneously with any part of a following electronic message/display;

(7) A sign owner may modify existing, legal, conforming structures to a digital face only after filing an application and receiving a permit to do so;

(8) Signs containing a digital face shall not be located closer than 1,500 linear feet along interstate highways and 1,000 linear feet along non-interstate state streets to another digital faced sign when measured along the same direction of the traveled way;

(9) Digital faces shall comply with all other requirements of federal and state outdoor advertising regulations;

(10) Digital faces shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital billboard has been set to be incapable of exceeding .3 foot candles above ambient light;

(11) Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change;

(12) The city planning department shall be provided with an on-call contact person and telephone number for every permitted digital face. In the event of malfunction, the contact person must have the ability and authority to make modifications to the displays and lighting levels. If modifications cannot be made to correct the malfunction within a timely manner, then the digital face must be disabled until the modifications are made. It shall be the responsibility of the permittee to maintain with the planning department accurate and current contact information; and,

(13) Failure to adhere to any of these provisions may result in the revocation of the digital face authorization of the permit (following due process including notice to comply).



- (h) V-type outdoor advertising signs are permitted provided the angle of separation of the two sides of the sign is not greater than thirty (30) degrees.
- (i) No outdoor advertising sign shall be permitted to be erected unless it has a minimum height at the lowest portion of the face surface of the sign of at least thirteen (13) feet and has a maximum height at the tallest point on the face surface of forty-five (45) feet, which minimum and maximum heights are to be measured from the elevation of a perpendicular line from the center/crown of the roadway to which the sign is adjacent.
- (j) No portion of an outdoor advertising sign shall be erected in a public right-of-way.
- (k)(1) Subsequent to the adoption of this Ordinance, no new outdoor advertising sign shall be permitted to be erected within the city limits nor within Fort Smith's extra-territorial planning jurisdiction area except as provided herein. This prohibition against new outdoor advertising signs shall apply even in those areas regulated by the Federal Highway Beautification Act (23 U.S.C. 131) or the Arkansas Highway Beautification Act (Ark. Code Ann. § 27-74-101 et seq.).
- (2) Sign Bank. There is hereby created an outdoor advertising sign credit bank ("Sign Bank") whereby the city planning department shall maintain a credit on file for the replacement of outdoor advertising signs as allowed under subsection (1) above or for the expansion in size of outdoor advertising signs as allowed by (f) above. The purposes of the Sign Bank permitting process are to ensure that the quantity and size of outdoor advertising signs in the City of Fort Smith and its extra-territorial jurisdiction area do not increase and to ensure proper placement of replaced or relocated outdoor advertising signs.
  - A. The owners of each outdoor advertising sign existing as of the effective date of these regulations shall be given a credit for the sign and the size of its face(s) within the Sign Bank. A double faced or V-type outdoor advertising sign shall entitle an owner to a single credit in the Sign Bank (not an additional credit for additional faces).
  - B. If an existing outdoor advertising sign is removed it is incumbent on the sign owner to inform the city planning department of the removal of the sign in writing within thirty (30) days of the removal in order to avoid action by the city



planning department to delete or cancel the subject sign credit.

- C. Prior to the issuance of a building permit for the construction of a new outdoor advertising sign or the relocation of an outdoor advertising sign, the applicant shall submit evidence that an existing sign bank credit belonging to the owner/applicant is assigned to the new or relocated sign.
  - D. Prior to the issuance of a building permit for an outdoor advertising sign with expanded size pursuant to (f) above, the applicant shall submit evidence that an existing sign bank credit (or credits if the square footage of an existing sign with a credit is insufficient to provide the expanded size applied for) belonging to the owner/applicant is assigned to the sign to be constructed pursuant to (f).
  - E. The owner of an existing outdoor advertising sign credit may transfer and assign the credit to another person or entity by delivering to the city planning department an acknowledged document identifying the transferred sign credit. Partial assignments of a sign credit for the purpose of meeting square footage requirements pursuant to (f) above are not allowed.
- (I) Nonconforming Outdoor Advertising Signs.
- (1) Repairs to a nonconforming outdoor advertising sign that do not exceed 50% of the replacement cost of the sign are permitted.
  - (2) All repairs to a nonconforming outdoor advertising sign that exceed 50% of the replacement cost are permitted only if the sign is converted to a monopole structure and only if there is no increase in the size and height of the sign and the sign is located in the proper zoning district for outdoor advertising signs. If the existing sign exceeds the maximum size and height requirements for the sign's location, repairs may be permitted pursuant to this subsection (I)(2) only if the sign is reconstructed to comply with the maximum size and height requirements for the location and the sign is located in the proper zoning district for outdoor advertising signs.
  - (3) Converting a nonconforming outdoor advertising sign to digital is permitted only when the converted sign will not increase in size or height, complies with the maximum size and height requirements for the specific location,



the sign is in a proper zoning district for outdoor advertising signs, the sign is a proper distance from residentially zoned or developed property and the sign complies with all specific requirements for digital signs.

- (4) In the event of a storm, fire or other loss to a nonconforming outdoor advertising sign, reconstruction or digital conversion of the nonconforming sign which cannot comply with all of the provisions of those regulations shall not be permitted unless a Conditional Use request is approved by the planning commission and reconstruction or digital conversion is completed within one (1) year from the date of the loss.

- (m) All outdoor advertising signs shall comply with subsections (a), (b), (i) and (j) of the general regulations set forth in Fort Smith Code Section 27-704-5.

(Ord. No. 3391, as amended, § 10-10(E), 11-1-76; Ord. No. 32-01, §§ 1, 2, 6-5-01)

#### **27-704-5      General regulations**

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- (a) Signs shall not be erected or illuminated in such a manner as to obscure or otherwise interfere with an official traffic sign, signal or device, or to obstruct or otherwise interfere with the driver's view of approaching, merging or intersecting traffic.
- (b) Signs shall not be erected which imitate or resemble any traffic sign, signal or device, or which are erected or maintained upon trees or painted or drawn upon rocks or natural features, or which are structurally unsafe or in disrepair.
- (c) All signs occurring in or over public rights-of-way shall be:
  - (1) Not more than thirty-six (36) inches in height; or
  - (2) At least twelve (12) feet to the bottom of the sign, except for not more than two (2) supportive posts which are not more than sixteen (16) inches in width or diameter. Such heights of thirty-six (36) inches and twelve (12) feet are to be measured from the elevation of the center of the street at that point. If a sign occurs in or over the setbacks or rights-of-way of two (2) streets, such heights of thirty-six (36) inches and twelve (12) feet are to be measured from the lower street. Additionally, signage that is placed at intersecting streets in the triangular area (known as the sight triangle) shall be governed by (c)(1) and (c)(2) above. The sight triangle is described as the area delineated by a distance of twenty-five (25) feet along the intersecting



property lines, beginning at the property corner point and extending said twenty-five (25) feet in both directions away from the corner point of intersection and then connecting the terminus points by a line to form the triangular area.

- (d) No signs, except as noted in sections 27-357 and 27-358, shall be nearer than forty-five (45) feet to any residential zone lot.
- (e) No flashing signs shall occur in or over any building setbacks or public rights-of-way.
- (f) No sign base or support shall be erected in a public right-of-way.
- (g) All businesses or parties having signs located within the city limits and which cease operation of the business or activity advertised by such signs shall remove such signs within sixty (60) days of such cessation of business.
- (h) If any nonconforming sign is damaged or destroyed by any cause to the extent that its cost of repair exceeds fifty (50) percent of its replacement cost it shall be considered a total loss and shall not be permitted to be replaced.
- (i) It shall be a violation of this division for any person to place or cause to be placed any sign on any property within the city without first obtaining a sign permit from the city building official or his designated agent, except as noted in section 27-357(1).
- (j) If a lot has frontage on more than one (1) street, each frontage will have its own permitted sign area. The frontages on two (2) streets may not be combined to determine the permitted sign area for one (1) frontage.

(Ord. No. 3391, as amended, § 10-10(F), 11-1-76; Ord. No. 60-95, § 2, 9-5-95; Ord. No. 95-98, § 1, 12-1-98; Ord. No. 64-99, § 4, 10-5-99)

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**27-704-6 Purpose, intent**

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It is the intention of the governing body of the city to repeal by the adoption of this division all provisions of this chapter which previously regulated such signs except those provisions dealing with the regulation of signs within any historic district created by ordinance of the city. In the event of any conflict in the provision of this division and the provisions regulating signs contained in any ordinance creating any historic district, the provisions of the latter shall control. (Ord. No. 3391, as amended, § 10-10(G), 11-1-76)

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**27-704-7 Portable sign permits**

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- (a) It shall be unlawful for any person to place a portable sign on their property within the City of Fort Smith without first obtaining a portable sign permit. The permit shall include a sticker placed on the sign for the approved site.
- (b) Portable sign owners shall be given six (6) months from the date of this ordinance (December 20, 1988,) to obtain a portable sign permit. A permit shall be required for each sign.
- (c) No permanent sign base or support shall be erected or maintained in any public right-of-way. After obtaining an appropriate sign permit from the city, signs may be installed so that a portion of the sign occurs in the air space of a public right-of-way, subject to the following requirements:
  - (1) The sign face may not be more than thirty-six (36) inches in height; and,
  - (2) Any portion of the sign occurring in the public right-of-way shall be at least twelve (12) feet above the ground surface of the right-of-way; and,
  - (3) The supportive post(s) (which may not be located in the right-of-way) for any such sign shall not be more than two (2) and shall not be more than sixteen (16) inches in width or diameter.
  - (4) Such heights of thirty-six (36) inches and twelve (12) feet are to be measured from the elevation of the center of the street at the point of the overhanging portion of sign. If the sign occurs in or over the rights-of-way of two (2) streets, such heights of thirty-six (36) inches and twelve (12) feet are to be measured from the higher street.
  - (5) All signage that is placed at intersecting streets in the triangular area (known as the sight triangle) shall be governed by (c)(1) and (c)(2) above. The sight triangle is described as the area delineated by a distance of twenty-five (25) feet along the intersecting property lines, beginning at the property corner point and extending said twenty-five (25) feet in both directions away from the corner point of intersection and then connecting the terminus points by a line to form the triangular area.
- (d) Every applicant shall pay to the city a fee of twenty-five dollars (\$25.00) for each permit. The permit shall be issued for a specific address, and should the portable sign be relocated, a new permit is required. Every portable sign permit shall be renewed before January of each year and when the portable sign is relocated to another site.



- (e) Should the portable sign have electrical power, it shall meet the requirements of the National Electrical Code and chapter 6, article III of this Code prior to the issuance of a sign permit.
- (f) For the purpose of portable signs, the sign area measurement shall be a rectangular perimeter around the entire sign, the length of which is the maximum possible length of the sign, the width of which is the maximum possible width of the sign above the legs or other portable supports.

(Ord. No. 109-88, § 2, 12-20-88)

#### **27-704-8 Bench and Bus Shelter Signs Exempt**

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Bench signs and bus shelter signs owned, operated or contracted by the city transit department and on or adjacent to a public right-of-way are not subject to the regulations.

(Ord. No. 93-06, § 2, 10-3-06)

#### **27-704-9 Electronic Message Center/Digital Signs**

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- (a) Electronic message center/digital signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at the time of permit issuance certifying the digital sign has been set to be incapable of exceeding 0.3 foot candles above ambient light.
- (b) Each display on a digital face must have a light sensing device that will adjust to the brightness as ambient light conditions change.
- (c) Existing Electronic Message Center Signs. A nonconforming sign shall be removed or modified to comply with these regulations if the following occurs:
  - 1. More than 50 percent of the sign is destroyed and the destruction is other than the facial copy replacement. A nonconforming sign shall be deemed to be more than 50 percent destroyed if the estimated cost of reconstruction or repair exceeds 50 percent of the replacement as determined by the Director.
  - 2. The sign is remodeled or altered in a manner not in compliance with these regulations.
  - 3. Replacement of the sign or sign electronics.
  - 4. A structural change is made to the sign or sign structure and/or support elements.



5. The sign is moved or relocated, except where the sign is relocated as a result of a street or utility improvement project.
6. The sign becomes a danger to the public or is unsafe.
7. The sign constitutes a traffic hazard not created by the relocation or widening of streets.

#### **27-705 Pistol Range (indoor)**

In addition to the conditional use requirements as listed within 27-332. All conditional uses issued for an indoor pistol range shall be subject to the following conditions:

- a. The board of directors shall automatically review the operation of the facility six (6) months after the facility opens for business. The purpose of the review shall be to ensure that [no] additional sound-proofing measures are necessary. If problems are found to exist (exceeding eighty (80) decibels) from the outside of the exterior wall of the firing range, then the board may impose additional noise abatement measures on the applicant which are necessary to reduce the decibel levels below eighty (80) decibels.
- b. All potential owners and operators of an indoor pistol range shall be required to obtain a letter from the chief of police stating that the individuals have no known criminal history. Such letter shall be submitted to the city clerk prior to the planning commission's review of a conditional use permit.
- c. Ammunition fired within the facility should not exceed in power and velocity what is commonly known as .45 caliber.
- d. The ventilation system shall be designed so that the total volume of air in the range is changed from twenty (20) to forty (40) times per hour at a minimum. A steady positive flow of air toward the back stop at the velocity of fifty (50) feet per minute shall be the minimum acceptable level.

#### **27-706 Day Care Homes**

Day care home, six (6) to twelve (12) children, shall mean a child care service, licensed by the State, in a single family home that is the full time residence of the caregiver, which cares for a limited number of children who are apart from their own family during a part of the day.

These regulations shall apply to all day care homes:

1. Day Care Homes are limited to the zoning districts specified in this chapter.



2. Day Care Homes require a conditional use permit in accordance with Section 27-332.
3. Day Care Homes shall be operated in a manner that will not change the character of the residence.
4. Day Care Homes are permitted to have no more than one (1) employee who does not reside at the home.
5. All vehicles including the employee parking space must be parked on the property and on a paved parking space. All parking and paving must comply with section 14-52 of this Code.
6. All pick-up and drop-off of children shall be on the property's driveway and not on the public right-of-way unless otherwise approved by the planning commission.

## **Appendix B**

### **Planning and Zoning Department Fee Schedule**

<u>Application Type</u>	<u>Fee</u>
Accessory Residential Use	\$ 35
Rezoning or Zoning Text Amendment	\$ 350
Development Plan Review	\$ 300 \$ 100 when submitted with another application
Conditional Use Permit	\$ 350
Subdivision-Major	\$ 200 + \$4 per lot; \$ 600 maximum
Subdivision-Minor	\$ 125
Appeals/Vested Rights to Planning Commission or Board of Directors	\$ 75
Variances (Zoning, Driveway, or Subdivision)	\$ 250
Home Occupations	\$ 150



Comprehensive Plan/Master Land Use Plan Amendment	\$ 350 \$ 100 when submitted with a rezoning application
Annexation	\$ 350
Temporary Revocable License	\$ 150
Street/Right-of-way/Easement Closing	\$ 150



## **Appendix C      Traffic Impact Analysis Format**

### **1. General Outline of Report**

- a. Table of Contents
- b. List of Figures and Tables
  - Traffic Impact Analysis Background and Requirements
  - Data Sources
- c. Introduction
- d. Study Area
  - Existing Land Use
  - Proposed Development
  - Existing Roadway Conditions & Traffic Counts
- e. Analysis
  - Trip Generation
  - Trip Distribution and Trip Assignment
  - Projected Site Turning Movement Counts
  - Projected Traffic
  - Capacity Analyses
- f. Conclusions and Recommendations
- g. Appendix

### **2. Maps and Diagrams**

- a. Conditions Maps and Drawings
  - Location Maps and Site Plans<sup>1,2,3</sup>
  - Master Street Plan<sup>4</sup>
  - Existing Turning Movement Count Diagram - AM Peak Hour<sup>5</sup>
  - Existing Turning Movement Count Diagram - PM Peak Hour<sup>5</sup>
  - Existing Turning Movement Count Diagram - Peak Period for Site<sup>5</sup>
  - Summary of Existing / Projected 24 Hour Volumes<sup>6</sup>
- b. Trip Generation / Trip Distribution Diagrams
  - Site Trip Distribution<sup>7,8</sup>
  - Boundary Street Projected Turning Movements - Peak Period<sup>5</sup> for Site<sup>9</sup>
- c. Recommended Site Access Configuration and Roadway Improvements
  - Diagram<sup>10</sup>

### **3. Tables**

- a. Land Use Characteristics and Total Site Trips Generated<sup>11</sup>
- b. Site Trips Attracted from Passing Traffic (if applicable)<sup>12</sup>
- c. Land Use Characteristics and Internal/External Site Trip Generated<sup>13</sup>
- d. Summary of Capacity Analyses<sup>14, 15, 16, 17</sup>

### **4. Conclusions and Recommendations**

As a minimum, the TIA shall identify all geometric and operational improvements necessary to provide an acceptable LOS for facilities within the project site and/or along the boundary streets of the project



## **Appendix C      Traffic Impact Analysis Format**

site. Both on-site and off-site improvements must be evaluated. Priority should be given to beneficial off-system improvements as a means of minimizing the impact on the existing transportation system. Improvements that are to be considered for the purpose of mitigating less than an acceptable LOS shall include as a minimum: pavement widening, installation of turn lanes, installation of median islands, access control, installation of curbs and/or sidewalks, installation of traffic signalization, traffic signing, and/or pavement marking modifications.

### **5.            Appendix**

Appendix documents shall be provided to the City at the time the TIA is submitted. The number of appendix documents to be submitted shall be identified at the time of the preliminary information meeting.

At a minimum, the Appendix shall contain:

- a.      Summaries of Turning Movement Counts.
- b.      Summaries of 24 hour Counts.
- c.      Summaries of Capacity Analyses.
- d.      All other data necessary to support findings and recommendations.

### **Notes:**

- <sup>1</sup>      Show pavement marking layout and lane usage for all boundary streets. Drawing must reflect driveway locations and roadway geometry within +/- 1 foot of actual location.
- <sup>2</sup>      Show driveways and land uses on both sides of all boundary streets of the proposed site.
- <sup>3</sup>      All driveways and intersecting streets that connect to a boundary street shall be illustrated in sufficient detail to serve the purpose of illustrating traffic function. At a minimum, this detail shall include all lane widths, traffic islands, medians, sidewalks, curbs, and traffic control devices.
- <sup>4</sup>      At a minimum, the drawing shall encompass a minimum four (4) mile radius from the site and shall identify all roadways designated on the City of Fort Smith Master Street Plan, their corresponding designation, a legend identifying roadway classifications, and the approximate location of the proposed development.
- <sup>5</sup>      Results of the turning movement count for each location shall be overlaid on top of the Existing Conditions Layout.
- <sup>6</sup>      Indicate existing and projected 24-hour volumes for all major roadways, as identified in the preliminary scoping meeting. Assumptions of growth rates for traffic demand and references shall be identified on this exhibit.
- <sup>7</sup>      Indicate general directional distribution of trips to and from the development.
- <sup>8</sup>      Indicate assignment/distribution of projected trips for the site, by movement, at each access point.
- <sup>9</sup>      Indicate combined existing and site generated traffic and the site generated traffic volume for all movements at each intersection and/or driveway within the study

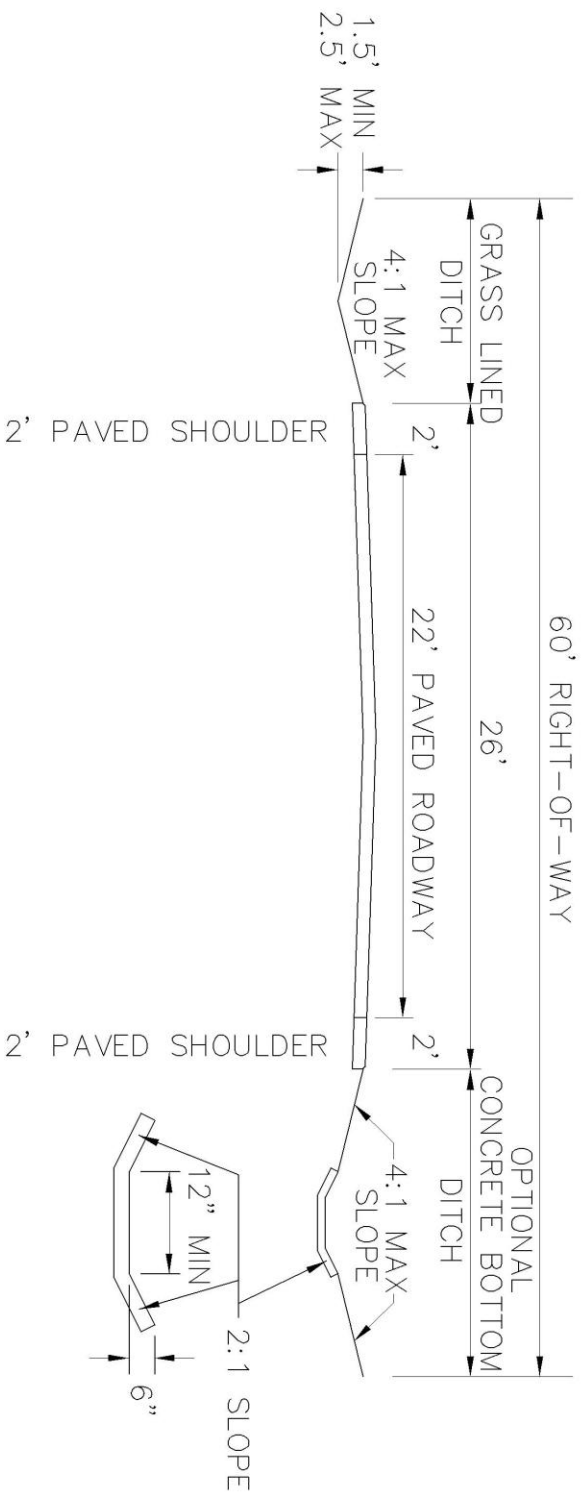


## **Appendix C      Traffic Impact Analysis Format**

area.

- 10      The diagram shall, as a minimum, indicate existing and proposed pavement marking layouts for all boundary streets, proposed modifications to existing and/or the installation of new traffic control devices, proposed on-site circulation, parking layout, pad locations, and any modifications necessary to address increases in traffic demand associated with the site development that result in significant reductions in operations.
- 11      The table shall include land use, gross leasable area (GLA), estimated daily trip generation estimates, and trip generation rates and estimates for weekday AM, PM, and for the development peak traffic period, broken down by entering and exiting trips.
- 12      The table shall include assumptions regarding percentage of passer-by traffic associated with each land use for the development, including proper source references.
- 13      The table shall include assumptions regarding percentage of internal/external capture traffic associated with each land use for the development, including proper source references.
- 14      The table shall summarize before and after conditions associated with level-of-service (LOS) for all study intersections and access drives adjacent to the site, whether signalized and unsignalized. Furthermore, existing and proposed conditions shall be summarized side-by-side for each peak period evaluated. All special evaluation conditions shall be appropriately footnoted.
- 15      Capacity analyses will be required for each roadway infrastructure improvement in order to verify the LOS associated with a given improvement.
- 16      Capacity analyses will follow the principles established in the latest edition of the Transportation Research Board's Highway Capacity Manual (HCM) (see Reference) unless otherwise directed by the City Engineer. Capacity will be reported in quantitative terms as expressed in the HCM and in terms of traffic LOS.
- 17      Capacity analyses will include traffic queuing estimates for all critical applications where length of queues is a design parameter (i.e., auxiliary turn lanes, traffic gates, etc.).





FORT SMITH PLANNING AREA  
 ALTERNATIVE RESIDENTIAL STREET SECTION  
 SINGLE FAMILY RESIDENTIAL SUBDIVISIONS

125' MINIMUM LOT WIDTH  
 14,000 SQUARE FOOT MINIMUM LOT SIZE  
 MAXIMUM 3 DWELLING UNITS PER ACRE